

Tennis, Rachel

From: Nicholas W. van Aelstyn <NvanAelstyn@bdlaw.com>
Sent: Tuesday, June 18, 2013 5:17 PM
To: Cox, Elizabeth
Cc: david Batson; DUTTA, ABHIK; Zachary Norris
Subject: RE: Public documents

Thanks much; yes, I believe it is.

From: Cox, Elizabeth [mailto:Cox.Elizabeth@epa.gov]
Sent: Tuesday, June 18, 2013 5:14 PM
To: Nicholas W. van Aelstyn
Cc: david Batson; DUTTA, ABHIK; Zachary Norris
Subject: RE: Public documents

Attached is the Phase 2 report. I believe this is what you are referring to.

From: Nicholas W. van Aelstyn [mailto:NvanAelstyn@bdlaw.com]
Sent: Tuesday, June 18, 2013 3:16 PM
To: Cox, Elizabeth
Cc: david Batson; DUTTA, ABHIK; Zachary Norris
Subject: RE: Public documents

Thanne,

Thanks much. I'm informed that our messenger has picked-up the disk.

Can you say when the Gonzales documents will be available? Do they include the Phase 2 report and other materials that Jim Cantrell told me he'd provided to EPA? Per our discussion last Friday, will you be in touch with Messrs. Cantrell and Volz before you leave on vacation about dedicating the proceeds from the sale of the property that includes the former Gonzalez Bucket & Drum facility to the Site's remediation?

Also, will you be able to provide feedback before you go on the material that we provided to you two weeks ago regarding the former auto salvage yard located at 1200 Van Dyke Ave. and the still active auto salvage yard at 1201 Van Dyke Ave. (aka 1320 Wallace Ave.)? As you, David and I discussed last Friday, the PRPs are awaiting word from EPA on this before taking any further action with respect to any possible sampling in the area.

Thanks.

Nico

Nicholas W. van Aelstyn

Principal
Beveridge & Diamond, P.C.
456 Montgomery St. Suite 1800
San Francisco, CA 94104



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Please consider the environment before printing this e-mail.

From: Cox, Elizabeth [<mailto:Cox.Elizabeth@epa.gov>]

Sent: Tuesday, June 18, 2013 9:23 AM

To: Nicholas W. van Aelstyn

Cc: david Batson; DUTTA, ABHIK

Subject: Public documents

Nico:

The public documents are ready for pickup after 3 pm today with the exception of Gonzales. We are still reviewing those documents for privacy information. When your person is downstairs, please call Abhik at his desk: 415-972-3318. He will come down with the disc. As soon as we have Gonzales reviewed, we will contact you. I am going to be out of the office from June 20 through July 1. In my absence, Abhik will contact you about picking up the additional disc.

Thanne Berg
US EPA Region 9
Office of Regional Counsel
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3908
(415) 203-6104 (mobile)
cox.elizabeth@epa.gov

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From: Nicholas W. van Aelstyn <NvanAelstyn@bdlaw.com>
Sent: Tuesday, June 18, 2013 5:16 PM
To: Cox, Elizabeth
Cc: david Batson; DUTTA, ABHIK; Zachary Norris
Subject: RE: Public documents
Attachments: Sale of Property that Includes the former Gonzalez Bucket and Drum facility

Thanks, Thanne. We'll look forward to receiving those materials from Ahbik next week. The earlier the better if we are to provide any meaningful input into EPA's reevaluation of its GNL decisions.

Mr. Volz's v-card was attached to my email to you of yesterday. I've attached another copy of it here in case you did not see it.

Nico

From: Cox, Elizabeth [mailto:Cox.Elizabeth@epa.gov]
Sent: Tuesday, June 18, 2013 5:09 PM
To: Nicholas W. van Aelstyn
Cc: david Batson; DUTTA, ABHIK; Zachary Norris
Subject: RE: Public documents

Nico:

Ahbik has the contact information for Mr. Cantrell. Can you provide the contact information for Mr. Volz and remind me of his role? We should have the Gonzalez documents ready for your by the end of next week, worst case scenario. It will include the phase 2 report.

Craig and I have spoken briefly about the savage yard and your submittal but the case team still needs to get together to discuss more fully. We are juggling several items right now and trying to keep everything moving.

Thank you for your patience.

Thanne

From: Nicholas W. van Aelstyn [mailto:NvanAelstyn@bdlaw.com]
Sent: Tuesday, June 18, 2013 3:16 PM
To: Cox, Elizabeth
Cc: david Batson; DUTTA, ABHIK; Zachary Norris
Subject: RE: Public documents

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Can you say when the Gonzales documents will be available? Do they include the Phase 2 report and other materials that Jim Cantrell told me he'd provided to EPA? Per our discussion

last Friday, will you be in touch with Messrs. Cantrell and Volz before you leave on vacation about dedicating the proceeds from the sale of the property that includes the former Gonzalez Bucket & Drum facility to the Site's remediation?

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Thanks.

Nico

Nicholas W. van Aelstyn

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Tennis, Rachel

From: RHines@fbm.com
Sent: Tuesday, June 18, 2013 1:42 PM
To: Cox, Elizabeth; DUTTA, ABHIK
Subject: RE: Follow-up from the Yosemite Slough attorneys meeting

Thanne and Abhik – just wanted to check to see if you were still on track in sending me a disk this week with the info we discussed. Please let me know. I would be happy to send over a messenger to pick it up once it's ready.

Best regards,
Buzz

From: Hines, Buzz (25) x4935
Sent: Wednesday, June 05, 2013 1:44 PM
To: Cox, Elizabeth
Cc: DUTTA, ABHIK
Subject: Re: Follow-up from the Yosemite Slough attorneys meeting

Great - I will see you then.

Please see my original email below regarding Coca-Cola's interest and objective in meeting.

Thanks

-- Buzz

Buzz Hines
Farella Braun + Martel LLP
(415) 954-4935
rhines@fbm.com
www.fbm.com

On Jun 5, 2013, at 1:24 PM, "Cox, Elizabeth" <Cox.Elizabeth@epa.gov> wrote:

Buzz,

Yes, we are available tomorrow at 2. Is there some particular subject or issue we should be prepared to discuss?

Thanne

From: RHines@fbm.com [<mailto:RHines@fbm.com>]
Sent: Tuesday, June 04, 2013 3:18 PM
To: Cox, Elizabeth; DUTTA, ABHIK
Subject: RE: Follow-up from the Yosemite Slough attorneys meeting

Thanks and yes – I was doing something fun. Visited my daughter in Panama where she's serving as a Peace Corps volunteer. Quick trip but amazing perspective gained in a short time.

Is the Thursday, June 6th slot still open for us to meet? I could come over at 2 or 2:30pm. I think we will need no more than an hour for the meeting. Please let me know if that will work.
Best regards,

Buzz

From: Cox, Elizabeth [<mailto:Cox.Elizabeth@epa.gov>]
Sent: Thursday, May 30, 2013 2:28 PM
To: Cox, Elizabeth; Hines, Buzz (25) x4935; DUTTA, ABHIK
Subject: RE: Follow-up from the Yosemite Slough attorneys meeting

Revising my previous message. Abhik has to leave work early on those two days. Below is our revised availability. If not, I can look at the following week.

Tues June 4 – 2:00 to 3:30
Wednes June 5 – 10:30 to 12:00
Thurs June 6 – 2:00 to 3:30

From: Cox, Elizabeth
Sent: Thursday, May 30, 2013 2:20 PM
To: 'RHines@fbm.com'; DUTTA, ABHIK
Subject: RE: Follow-up from the Yosemite Slough attorneys meeting

Buzz:

I hope you are doing something fun this week. Abhik and I will both be in the office next week. We are generally available on Tues. (June 4) after 2 and Thursday (June 6) after 2:15. Would either of these windows work for you?

From: RHines@fbm.com [<mailto:RHines@fbm.com>]
Sent: Monday, May 20, 2013 6:10 PM
To: Cox, Elizabeth; DUTTA, ABHIK
Subject: RE: Follow-up from the Yosemite Slough attorneys meeting

Hi there – just checking in to see if we might be able to schedule something in early June (I will be out next week). I could also meet this week, depending on when you might be available.
Best regards,
Buzz

From: Hines, Buzz (25) x4935
Sent: Wednesday, May 15, 2013 2:01 PM
To: 'Cox, Elizabeth'; DUTTA, ABHIK
Subject: RE: Follow-up from the Yosemite Slough attorneys meeting

Thanne and Abhik – I represent Coca-Cola Refreshments USA (CCR) regarding the captioned matter. Would it be possible to schedule a meeting at your earliest convenience to review the government's liability case against CCR and the claimed nexus between CCR and its historic operations and the slough? I understand from the meeting that you will not provide PRPs with the actual scorecard(s), but, it would be most helpful if we could meet and discuss the information you're relying on to connect CCR to the cleanup of the slough. Please let me know if you will meet and some times next week or early June that we might do so (I am likely out the week of Memorial Day – the 27th).

Thanks and I look forward to hearing from you.

Best regards,

Buzz

Robert L. Hines

Partner
rhines@fbm.com
415.954.4935



<image001.png>

From: Cox, Elizabeth [<mailto:Cox.Elizabeth@epa.gov>]
Sent: Monday, May 13, 2013 11:47 AM
To: allen.j.danzig@sherwin.com; Hines, Buzz (25) x4935; bwick@ww-envlaw.com; Campbell Irving; David Alderson ; dpc@costalaw.net; Elaine M O'Neil; JChen@bdlaw.com; Jim.Thomas@dla.mil; kathryn.colson@slc.ca.gov; Kenneth A. Ulrich; ktobias@parks.ca.gov; mark.a.zuschek@exxonmobil.com; Mark.Rigau@usdoj.gov; NvanAelstyn@bdlaw.com; robert.w.jackmore@exxonmobil.com; Shari Posner; Victor Marquez; www.klgates.com
Cc: Cooper, Craig; DUTTA, ABHIK; Fong, YvonneW; Batson, David
Subject: Follow-up from the Yosemite Slough attorneys meeting

Counselors:

Thank you for participating in our May 9th Legal Meeting for the Yosemite Slough Site located in San Francisco, CA. As agreed to during our meeting, EPA staff assigned to the Yosemite Slough Site will reconsider the overall weight of evidence of potential CERCLA liability for all the facilities listed in David Batson's email of May 8. (That list is attached along with the sign-up sheet from the meeting.) Our reconsideration of these facilities will include the evidence of a release of any hazardous substance detected at elevated concentrations in Site sediment and the likelihood such hazardous substances contributed to Site contamination. Our re-evaluation will cover key information from records EPA compiled for these facilities, interviews, and the results of EPA's facility ranking system (as summarized in EPA's presentation on May 9th). While conducting this re-evaluation process, we will also review facilities who provided no or less than adequate responses to EPA's 104(e) letters to determine whether some additional action is warranted.

EPA staff will brief R9 management on its findings on our re-evaluation of these selected facilities. Although we will again endeavor to maintain a consistent and fair evaluation of all facilities who have already received general notice letter with those facilities still under consideration by EPA, please note that it is solely within EPA's discretion as the enforcement Agency under the statute to identify PRPs. At this management briefing, Staff will also make recommendations regarding using EPA's CERCLA Section 104(e) authority to facilitate PRP sampling of selected facility properties for evidence of a potential release of Site-related hazardous substances. On that last point, our assistance to provide access under CERCLA 104(e) would be predicated on a commitment from one or more of the PRPs to conduct such testing. We hope to let you know of the results of our re-evaluation process by June 30th.

As requested, EPA will release a list of parties that received CERCLA 104(e) letters along with the template EPA used for such letters. We will also provide records in EPA's possession, except for EPA work product, regarding the facilities listed in Mr. Batson's letter. We will consider waiving privilege regarding interviews we conducted. This information will be placed on CD and mailed out to all parties who attended our May 9th meeting.

As requested during our May 9th meeting, attached is a PDF of the Water Board's Order concerning the State Parks Yosemite Slough Wetlands Restoration Project. In addition, the following link will direct you to an ASTSWMO report regarding recontamination at sediment sites nationwide:
[http://www.astswmo.org/Files/Policies_and_Publications/CERCLA_and_Brownfields/2013-04-Sediment Remedies Effectiveness and Recontamination.pdf](http://www.astswmo.org/Files/Policies_and_Publications/CERCLA_and_Brownfields/2013-04-Sediment_Remedies_Effectiveness_and_Recontamination.pdf)

As explained during our meeting, EPA intends to proceed with release of a Draft EECA for general public review and comment this summer. Our current schedule is to finalize the EECA and issue an Action Memorandum in September 2013 which will be followed by EPA issuance of letters inviting all Site PRPs to engage in AOC negotiation over the payment of past costs and performance of the selected response action for the Site.

Please let me know if you have any questions.

Sincerely,

Thanne Berg
US EPA Region 9
Office of Regional Counsel
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3908
(415) 203-6104 (mobile)
cox.elizabeth@epa.gov

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Farella Braun + Martel LLP

Tennis, Rachel

From: Angela Zepeda <azepeda@pacbell.net>
Sent: Monday, June 17, 2013 11:27 AM
To: victormarquezesq@aol.com;Cox, Elizabeth;Cooper, Craig;DUTTA, ABHIK
Cc: Martha Picazo
Subject: Re: For the Yosemite Meeting tomorrow
Attachments: Picazo.1979.03.07.Grant Deed.pdf

Ms. Cox,

Mr. Marquez is available at 4pm tomorrow (6/18/13).

Attached is a copy of the Deed.

Regards,
Angela M. Zepeda
Assistant to Victor M. Marquez
20 California Street, 7th Floor
San Francisco, CA 94111
Tel. 415-848-8971
Fax 415-677-9798

From: "victormarquezesq@aol.com" <victormarquezesq@aol.com>
To: "Cox, Elizabeth" <Cox.Elizabeth@epa.gov>; "Cooper, Craig" <Cooper.Craig@epa.gov>; "DUTTA, ABHIK" <dutta.abhik@epa.gov>
Cc: Martha Picazo <colonialironworks@msn.com>; Angela Zepeda <azepeda@pacbell.net>
Sent: Monday, June 17, 2013 9:28 AM
Subject: Re: For the Yosemite Meeting tomorrow

Ms. Cox,

That time should work for us. We will confirm as soon as possible today.

Thank you.

Victor
Sent from my Verizon Wireless BlackBerry

From: "Cox, Elizabeth" <Cox.Elizabeth@epa.gov>
Date: Mon, 17 Jun 2013 16:18:35 +0000
To: victormarquezesq@aol.com<victormarquezesq@aol.com>; Cooper, Craig<Cooper.Craig@epa.gov>; DUTTA, ABHIK<dutta.abhik@epa.gov>
Cc: colonialironworks@msn.com<colonialironworks@msn.com>; azepeda@pacbell.net<azepeda@pacbell.net>
Subject: RE: For the Yosemite Meeting tomorrow

Mr. Marquez:
I am available Tuesday afternoon after 4. Unfortunately I am booked with back-to-back meetings on Wednesday afternoon.

From: victormarquezesq@aol.com [mailto:victormarquezesq@aol.com]

Sent: Saturday, June 15, 2013 7:52 AM

To: Cox, Elizabeth; Cooper, Craig; DUTTA, ABHIK

Cc: colonialironworks@msn.com; azepeda@pacbell.net

Subject: Re: For the Yosemite Meeting tomorrow

Ms. Cox,

I have been traveling and my assistant, Angela was waiting to hear from me on some potential dates for a meeting.

She will follow up and send you a copy of the Deed for the property which lists Ms. Gonzalez as a past owner.

As to a meeting, our preference would be for a live meeting for either this coming Tuesday or Wednesday afternoon.

Regards,

Victor

-----Original Message-----

From: Cox, Elizabeth <Cox.Elizabeth@epa.gov>

To: victormarquezesq <victormarquezesq@aol.com>; Cooper, Craig <Cooper.Craig@epa.gov>; DUTTA, ABHIK <dutta.abhik@epa.gov>

Cc: colonialironworks <colonialironworks@msn.com>; azepeda <azepeda@pacbell.net>

Sent: Fri, Jun 14, 2013 3:36 pm

Subject: RE: For the Yosemite Meeting tomorrow

Mr. Marquez:

I have not heard from your assistant regarding setting up a time to discuss the Yosemite Slough case. I would also like to see a copy of the deed. I am in the office Monday through Wednesday next week.

Thanne

From: victormarquezesq@aol.com [mailto:victormarquezesq@aol.com]

Sent: Sunday, June 09, 2013 6:05 AM

To: Cox, Elizabeth; Cooper, Craig; DUTTA, ABHIK

Cc: colonialironworks@msn.com; azepeda@pacbell.net

Subject: Re: For the Yosemite Meeting tomorrow

Ms. Cox,

I called you at least 5 to 7 times but I may have only left one message.

I will ask my assistant, Angela, to schedule a call and to send you a copy of the Deed.

Thanks.

Victor

-----Original Message-----

From: Cox, Elizabeth <Cox.Elizabeth@epa.gov>

To: victormarquezesq <victormarquezesq@aol.com>; Cooper, Craig <Cooper.Craig@epa.gov>; DUTTA, ABHIK <dutta.abhik@epa.gov>

Cc: colonialironworks <colonialironworks@msn.com>

Sent: Sat, Jun 8, 2013 8:18 pm

Subject: Re: For the Yosemite Meeting tomorrow

Mr. Marquez:

I received one voice message from you on my cell phone and I returned it. I am in the office next week and the 17th- 19th. I will be out of the office the 20th through the 1st. Hopefully we can set up a call which is convenient for both of us.

If you could send me an electronic copy of the deed prior to that meeting, that would be helpful. I look forward to our discussion.

Sincerely,

Thanne Berg

From: victormarquezsq@aol.com
Sent: Saturday, June 08, 2013 5:47:12 AM
To: Cox, Elizabeth; Cooper, Craig; DUTTA, ABHIK
Cc: colonialironworks@msn.com
Subject: Re: For the Yosemite Meeting tomorrow

Dear Elizabeth,

I left you several messages requesting a meeting as follow up to the group meeting in the days following the group meeting. I never heard back.

I would like to schedule such a meeting at some point later this month. I am traveling at this time and will return on June 16th.

As it pertains to Ms. Gonzalez, I reviewed my files and found the Title to the property in which Ms. Gonzalez was indeed named as an Owner.

Thanks.

Victor

-----Original Message-----

From: Cox, Elizabeth <Cox.Elizabeth@epa.gov>
To: victormarquezsq <victormarquezsq@aol.com>; Cooper, Craig <Cooper.Craig@epa.gov>; DUTTA, ABHIK <dutta.abhik@epa.gov>
Sent: Thu, May 9, 2013 3:52 pm
Subject: RE: For the Yosemite Meeting tomorrow

Victor:

If you have questions about Gonzalez Drum, Abhik and I would probably be the ones best able to answer your question. I will check with Abhik and suggest some times to talk. Thanks.

Thanne Berg
US EPA Region 9
Office of Regional Counsel
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3908
(415) 203-6104 (mobile)
cox.elizabeth@epa.gov

From: victormarquezsq@aol.com [<mailto:victormarquezsq@aol.com>]
Sent: Thursday, May 09, 2013 11:59 AM
To: Cox, Elizabeth; Cooper, Craig
Subject: Re: For the Yosemite Meeting tomorrow

Dear Craig and Elizabeth,

I would like to follow up and have an offline call with you regarding specific questions that I have relative to Gonzalez Drum.

Thanks.

Victor

-----Original Message-----

From: Cox, Elizabeth <Cox.Elizabeth@epa.gov>

To: allen.j.danzig <allen.j.danzig@sherwin.com>; Buzz Hines <rhines@fbm.com>; bwick <bwick@ww-envlaw.com>; Campbell Irving <cairving@coca-cola.com>; David Alderson <david.alderon@doj.ca.gov>; dpc <dpc@costalaw.net>; Elaine M O'Neil <elaine.o'neil@sfgov.org>; JChen <JChen@bdlaw.com>; Jim.Thomas <Jim.Thomas@dla.mil>; kathryn.colson <kathryn.colson@slc.ca.gov>; Kenneth A. Ulrich <KEhrlich@JMBM.com>; ktobias <ktobias@parks.ca.gov>; mark.a.zuschek <mark.a.zuschek@exxonmobil.com>; Mark.Rigau <Mark.Rigau@usdoj.gov>; NvanAelstyn <NvanAelstyn@bdlaw.com>; robert.w.jackmore <robert.w.jackmore@exxonmobil.com>; Shari Posner <Shari.Posner@doj.ca.gov>; Victor Marquez <victormarquezsq@aol.com>; batsonadr <batsonadr@verizon.net>

Cc: Cooper, Craig <Cooper.Craig@epa.gov>; DUTTA, ABHIK <dutta.abhik@epa.gov>; Fong, YvonneW <Fong.YvonneW@epa.gov>

Sent: Wed, May 8, 2013 6:21 pm

Subject: For the Yosemite Meeting tomorrow

Counselors:

We are going to use this power point presentation tomorrow during the meeting. For those who will be participating by phone, we will make sure to identify the slide we are talking about as we go through the presentation. Because of the size of the document, I am going to transmit the first 22 pages in this email and the remaining slides in a second email.

See you tomorrow

Thanne Berg
US EPA Region 9
Office of Regional Counsel
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3908
(415) 203-6104 (mobile)
cox.elizabeth@epa.gov

Tennis, Rachel

From: Ehrlich, Kenneth <KAE@JMBM.com>
Sent: Friday, June 14, 2013 12:24 PM
To: Cox, Elizabeth
Cc: Cooper, Craig; DUTTA, ABHIK; Johnson, Ivry
Subject: RE: RWD FOIA request -- 14 day extension request (FOIA request EPA-R9-2013-006573)

OK- provided RWD has a concurrent extension on its response to the General Notice letter.

From: Cox, Elizabeth [mailto:Cox.Elizabeth@epa.gov]
Sent: Friday, June 14, 2013 11:48 AM
To: Ehrlich, Kenneth
Cc: Cooper, Craig; DUTTA, ABHIK; Johnson, Ivry
Subject: RWD FOIA request -- 14 day extension request (FOIA request EPA-R9-2013-006573)

Dear Mr. Ehrlich:

According to our records, your FOIA response is due on June 18. The case team is very close to having the documents ready to send to you but we will need a little more time to make sure that we have done a complete search. We are requesting an extension of 14 days which would bring the deadline to Tuesday July 2, 2013. Could you please confirm that an extension is acceptable? We appreciate your patience.

Thank you,

Thanne Berg
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cox.elizabeth@epa.gov

Tennis, Rachel

From: Francisco A. Gutierrez <fgutierrez@mhalllaw.com>
Sent: Thursday, June 06, 2013 4:27 PM
To: DUTTA, ABHIK
Subject: Gonzalez Drum
Attachments: Gonzalez Drum List of Contacts.pdf

Hi Abhik,

Here is the list prepared by Robert, Jr., that I mentioned to you on the phone. The list is of the businesses / companies that sent drums to be reconditioned at Gonzalez Drum, or had some business relationship with Gonzalez Drum.

I am working with Robert, Jr., on gathering all invoices he can find that connect the businesses to Gonzalez Drum.

Regards,

Francisco A. Gutierrez
M. C. Hall & Associates, P.C.
Attorneys and Counselors at Law
605 Market Street, Suite 900
San Francisco, CA 94105
Tel.: (415) 512-9865
Fax: (415) 495-7204

This e-mail is confidential and may well be legally privileged. If you have received it in error, you are on notice of its status. Please advise us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. To do so could violate state and federal laws. Thank you for your cooperation.

Tennis, Rachel

From: RHines@fbm.com
Sent: Thursday, June 06, 2013 2:05 PM
To: Cox, Elizabeth
Cc: DUTTA, ABHIK
Subject: Re: Follow-up from the Yosemite Slough attorneys meeting

FYI - they have me waiting downstairs. See you soon. Thanks.

Buzz Hines
Farella Braun + Martel LLP
(415) 954-4935
rhines@fbm.com
www.fbm.com

On Jun 5, 2013, at 1:43 PM, "Hines, Buzz (25) x4935" <RHines@fbm.com> wrote:

Great - I will see you then.
Please see my original email below regarding Coca-Cola's interest and objective in meeting.
Thanks
-- Buzz

Buzz Hines
Farella Braun + Martel LLP
(415) 954-4935
rhines@fbm.com
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Buzz,

Yes, we are available tomorrow at 2. Is there some particular subject or issue we should be prepared to discuss?

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From: RHines@fbm.com [<mailto:RHines@fbm.com>]
Sent: Tuesday, June 04, 2013 3:18 PM
To: Cox, Elizabeth; DUTTA, ABHIK
Subject: RE: Follow-up from the Yosemite Slough attorneys meeting

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Is the Thursday, June 6th slot still open for us to meet? I could come over at 2 or 2:30pm. I think we will need no more than an hour for the meeting. Please let me know if that will work.

Best regards,
Buzz

From: Cox, Elizabeth [<mailto:Cox.Elizabeth@epa.gov>]
Sent: Thursday, May 30, 2013 2:28 PM
To: Cox, Elizabeth; Hines, Buzz (25) x4935; DUTTA, ABHIK
Subject: RE: Follow-up from the Yosemite Slough attorneys meeting

Revising my previous message. Abhik has to leave work early on those two days. Below is our revised availability. If not, I can look at the following week.

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Wednes June 5 – 10:30 to 12:00
Thurs June 6 – 2:00 to 3:30

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Sent: Thursday, May 30, 2013 2:20 PM
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Subject: RE: Follow-up from the Yosemite Slough attorneys meeting

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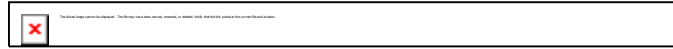
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Robert L. Hines

Partner

rhines@fbm.com

415.954.4935



<image001.png>

From: Cox, Elizabeth [<mailto:Cox.Elizabeth@epa.gov>]

Sent: Monday, May 13, 2013 11:47 AM

To: allen.j.danzig@sherwin.com; Hines, Buzz (25) x4935; bwick@ww-envlaw.com; Campbell Irving; David Alderson ; dpc@costalaw.net; Elaine M O'Neil; JChen@bdlaw.com; Jim.Thomas@dla.mil; kathryn.colson@slc.ca.gov; Kenneth A. Ulrich; ktobias@parks.ca.gov; mark.a.zuschek@exxonmobil.com; Mark.Rigau@usdoj.gov; NvanAelstyn@bdlaw.com; robert.w.jackmore@exxonmobil.com; Shari Posner; Victor Marquez; www.klgates.com

Cc: Cooper, Craig; DUTTA, ABHIK; Fong, YvonneW; Batson, David

Subject: Follow-up from the Yosemite Slough attorneys meeting

Counselors:

Thank you for participating in our May 9th Legal Meeting for the Yosemite Slough Site located in San Francisco, CA. As agreed to during our meeting, EPA staff assigned to the Yosemite Slough Site will reconsider the overall weight of evidence of potential CERCLA liability for all the facilities listed in David Batson's email of May 8. (That list is attached along with the sign-up sheet from the meeting.) Our reconsideration of these facilities will include the evidence of a release of any hazardous substance detected at elevated concentrations in Site sediment and the likelihood such hazardous substances contributed to Site contamination. Our re-evaluation will cover key information from records EPA compiled for these facilities, interviews, and the results of EPA's facility ranking system (as summarized in EPA's presentation on May 9th). While conducting this re-evaluation process, we will also review facilities who provided no or less than adequate responses to EPA's 104(e) letters to determine whether some additional action is warranted.

EPA staff will brief R9 management on its findings on our re-evaluation of these selected facilities. Although we will again endeavor to maintain a consistent and fair evaluation of all facilities who have already received general notice letter with those facilities still under consideration by EPA, please note that it is solely within EPA's discretion as the enforcement Agency under the statute to identify PRPs. At this management briefing, Staff will also make recommendations regarding using EPA's CERCLA Section 104(e) authority to facilitate PRP sampling of selected facility properties for evidence of a potential release of Site-related hazardous substances. On that last point, our assistance to provide access under CERCLA 104(e) would be predicated on a commitment from one or more of the PRPs to conduct such testing. We hope to let you know of the results of our re-evaluation process by June 30th.

As requested, EPA will release a list of parties that received CERCLA 104(e) letters along with the template EPA used for such letters. We will also provide records in EPA's possession, except for EPA work product, regarding the facilities listed in Mr. Batson's letter. We will consider waiving privilege regarding interviews we conducted. This information will be placed on CD and mailed out to all parties who attended our May 9th meeting.

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http://www.astswmo.org/Files/Policies_and_Publications/CERCLA_and_Brownfields/2013-04-Sediment_Remediation_Effectiveness_and_Recontamination.pdf

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Please let me know if you have any questions.

Sincerely,

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Farella Braun + Martel LLP

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could

contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

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Tennis, Rachel

From: RHines@fbm.com
Sent: Wednesday, June 05, 2013 1:44 PM
To: Cox, Elizabeth
Cc: DUTTA, ABHIK
Subject: Re: Follow-up from the Yosemite Slough attorneys meeting

Great - I will see you then.

Please see my original email below regarding Coca-Cola's interest and objective in meeting.

Thanks

-- Buzz

Buzz Hines
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rhines@fbm.com
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Buzz,

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rhines@fbm.com

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Robert L. Hines

Partner

rhines@fbm.com

415.954.4935



Russ Building
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San Francisco / CA 94104

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F 415.954.4480
www.fbm.com

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Please let me know if you have any questions.

Sincerely,

Thanne Berg
US EPA Region 9
Office of Regional Counsel
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3908
(415) 203-6104 (mobile)
cox.elizabeth@epa.gov

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[Farella Braun + Martel LLP](#)

Tennis, Rachel

From: RHines@fbm.com
Sent: Monday, May 20, 2013 6:10 PM
To: Cox, Elizabeth; DUTTA, ABHIK
Subject: RE: Follow-up from the Yosemite Slough attorneys meeting
Attachments: image001.jpg

Hi there – just checking in to see if we might be able to schedule something in early June (I will be out next week). I could also meet this week, depending on when you might be available.

Best regards,
Buzz

From: Hines, Buzz (25) x4935
Sent: Wednesday, May 15, 2013 2:01 PM
To: 'Cox, Elizabeth'; DUTTA, ABHIK
Subject: RE: Follow-up from the Yosemite Slough attorneys meeting

Thanne and Abhik – I represent Coca-Cola Refreshments USA (CCR) regarding the captioned matter. Would it be possible to schedule a meeting at your earliest convenience to review the government's liability case against CCR and the claimed nexus between CCR and its historic operations and the slough? I understand from the meeting that you will not provide PRPs with the actual scorecard(s), but, it would be most helpful if we could meet and discuss the information you're relying on to connect CCR to the cleanup of the slough. Please let me know if you will meet and some times next week or early June that we might do so (I am likely out the week of Memorial Day – the 27th).

Thanks and I look forward to hearing from you.

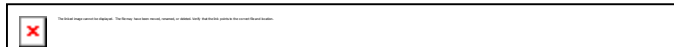
Best regards,
Buzz

Robert L. Hines

Partner

rhines@fbm.com

415.954.4935



Russ Building
235 Montgomery Street
San Francisco / CA 94104

T 415.954.4400
F 415.954.4480
www.fbm.com

From: Cox, Elizabeth [<mailto:Cox.Elizabeth@epa.gov>]
Sent: Monday, May 13, 2013 11:47 AM
To: allen.j.danzig@sherwin.com; Hines, Buzz (25) x4935; bwick@ww-envlaw.com; Campbell Irving; David Alderson ; dpc@costalaw.net; Elaine M O'Neil; JChen@bdlaw.com; Jim.Thomas@dla.mil; kathryn.colson@slc.ca.gov; Kenneth A. Ulrich; ktobias@parks.ca.gov; mark.a.zuschek@exxonmobil.com; Mark.Rigau@usdoj.gov; NvanAelstyn@bdlaw.com; robert.w.jackmore@exxonmobil.com; Shari Posner; Victor Marquez; www.klgates.com
Cc: Cooper, Craig; DUTTA, ABHIK; Fong, YvonneW; Batson, David
Subject: Follow-up from the Yosemite Slough attorneys meeting

Counselors:

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Tennis, Rachel

From: Francisco A. Gutierrez <fgutierrez@mhalllaw.com>
Sent: Monday, May 20, 2013 12:35 PM
To: DUTTA, ABHIK
Subject: RE: Gonzalez Property

Abhik,

Mr. and Mrs. Gonzalez were on title to the property as tenants in common with the Picazos. Mrs. Gonzalez went on title with her husband when the property was purchased, but she took no part in the management for over 25 years as was essentially a nominal property owner.

Let me know if this answers your question.

Sincerely,

Francisco A. Gutierrez
M. C. Hall & Associates, P.C.
Attorneys and Counselors at Law
605 Market Street, Suite 900
San Francisco, CA 94105
Tel.: (415) 512-9865
Fax: (415) 495-7204

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From: DUTTA, ABHIK [mailto:dutta.abhik@epa.gov]
Sent: Wednesday, May 15, 2013 10:40 AM
To: fgutierrez@mhalllaw.com
Subject: RE: Gonzalez Property

Hello Francisco,

Thanks for the follow-up; I haven't heard from Mrs. Gonzalez or her son. I will try him on his cell phone.

Would you be able to clarify ownership of the property within the Gonzalez family? Was Mrs. Gonzalez on the deed at the time the property was purchased?

Thanks,

Abhik Dutta
Civil Investigator
Superfund Site Cleanup Branch

U.S. EPA Region 9
75 Hawthorne St. (SFD-7-5)
San Francisco, CA. 94105

Office: (415) 972-3318
Fax: (415) 947-3520
Email: dutta.abhik@epa.gov

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Subject: RE: Follow-up from the Yosemite Slough attorneys meeting
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Robert L. Hines

Partner

rhines@fbm.com

415.954.4935



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235 Montgomery Street
San Francisco / CA 94104

T 415.954.4400
F 415.954.4480
www.fbm.com

From: Cox, Elizabeth [mailto:Cox.Elizabeth@epa.gov]

Sent: Monday, May 13, 2013 11:47 AM

To: allen.j.danzig@sherwin.com; Hines, Buzz (25) x4935; bwick@ww-envlaw.com; Campbell Irving; David Alderson ; dpc@costalaw.net; Elaine M O'Neil; JChen@bdlaw.com; Jim.Thomas@dla.mil; kathryn.colson@slc.ca.gov; Kenneth A. Ulrich; ktobias@parks.ca.gov; mark.a.zuschek@exxonmobil.com; Mark.Rigau@usdoj.gov; NvanAelstyn@bdlaw.com; robert.w.jackmore@exxonmobil.com; Shari Posner; Victor Marquez; www.klgates.com

Cc: Cooper, Craig; DUTTA, ABHIK; Fong, YvonneW; Batson, David

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Tennis, Rachel

From: Francisco A. Gutierrez <fgutierrez@mhalllaw.com>
Sent: Wednesday, May 15, 2013 10:37 AM
To: DUTTA, ABHIK
Subject: RE: Gonzalez Property

Abhik,

I am following up with you on the Gonzalez property matter and information from Robert Gonzalez, my client's son. If you have not heard from Robert by now, you may want to call him. I believe you have his cell phone number, which is (650)520-9813. I will continue to reach out to Robert to get the two of you in touch again.

In addition, did you hear from Mrs. Gonzalez about going to her home to look for documents relating to Gonzalez Drum?

Francisco A. Gutierrez
M. C. Hall & Associates, P.C.
Attorneys and Counselors at Law
605 Market Street, Suite 900
San Francisco, CA 94105
Tel.: (415) 512-9865
Fax: (415) 495-7204

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From: Dutta.Abhik@epamail.epa.gov [mailto:Dutta.Abhik@epamail.epa.gov]
Sent: Wednesday, February 06, 2013 4:41 PM
To: Francisco A. Gutierrez
Subject: Gonzalez Property

Hi Francisco,
I hope all is well. Do you know if any progress was made regarding companies that sent waste to the facility? Also, I was wondering if you (and your client) would be able to assist in finding contact information for Don Angulo. He conducted the accounting and administrative consulting activities for the company. The last known number I have is 650-952-2032.
Thanks,

Abhik Dutta
Civil Investigator
Superfund Site Cleanup Branch

U.S. EPA Region 9
75 Hawthorne St. (SFD-7-5)
San Francisco, CA. 94105

Office: (415) 972-3318
Fax: (415) 947-3520
Email: dutta.abhik@epa.gov

Tennis, Rachel

From: Nicholas W. van Aelstyn <NvanAelstyn@bdlaw.com>
Sent: Friday, May 10, 2013 10:05 AM
To: Elaine O'Neil;Cox, Elizabeth;DUTTA, ABHIK
Cc: David C. Batson;Mark.Rigau@usdoj.gov;bwick@ww-envlaw.com;Jim.Thomas@dla.mil;ktobias@parks.ca.gov;Shari.Posner@doj.ca.gov;Zachary Norris
Subject: RE: Yosemite Creek: Possible additional PRP
Attachments: May 31, 2012 - Yosemite Creek PRP Investigation Update.pdf

Thanks much, Elaine.

Thanne, this appears to be pretty compelling information. Note that the Sanborn map also shows Bauer Cooperage –the drum reconditioning facility on the RWD property that we inquired about yesterday. The map indicates an area for barrel washing and spray painting right next to a barrel storage area that was on an open dirt area just across Yosemite Avenue from the slough.

After the meeting yesterday I also checked my notes from the May 31, 2012 meeting. My notes confirmed the recollection that I mentioned yesterday that you had shared much of the information described in Elaine's email at that meeting. In addition, as reflected in the attached EPA presentation from that meeting, at that time EPA was investigating and considering issuing GNLs to seven entities. My notes indicate that during the discussion EPA identified six of the seven:

1. RWD Associates (a.k.a. Buckeye Properties)
2. Gonzalez Bucket and Drum
3. Federal Electric (f.k.a. Pacific Elec. Mfg. Co.)
4. Bayview Materials (which owns the auto wrecking yard on the northwest corner of the slough)
5. Tulio's Ironworks
6. Fog City Storage

Four of these were discussed at some length yesterday. What became of the other two, Tulip's Ironworks and Fog City Storage? Of course, with only three entities in the Basin having been issued GNLs, it's hard not to note that a year and \$400,000 later not much progress appears to have been made since the May 2012 meeting.

We look forward to continuing to work with EPA on the PRP/source investigation in the Basin. Per the action items that we agreed upon yesterday, please let us know when we can expect to receive (a) the CDs containing the public documents that were collected during the investigation, (b) the list of entities to which EPA issued 104e information requests and the template for those requests, and (c) the RWQCB Order and related documents relating to the Parks property (which likely has information on neighboring parcels that also adjoin the slough). Also, I reiterate our request at the meeting that EPA consider agreeing to a limited waiver of its work product protection in order to share with us the identity of witnesses interviewed and if possible also the notes from those interview. As we discussed yesterday, such a gesture will serve to instill confidence in both the investigation and the efficacy of the remedy.

Nico

Nicholas W. van Aelstyn

Principal
Beveridge & Diamond, P.C.
456 Montgomery St. Suite 1800
San Francisco, CA 94104
T (415) 262-4008 ~ F (415) 262-4040
NvanAelstyn@bdlaw.com



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Please consider the environment before printing this e-mail.

From: Elaine O'Neil [<mailto:Elaine.O'Neil@sfgov.org>]
Sent: Thursday, May 09, 2013 5:38 PM
To: cox.elizabeth@epa.gov; dutta.abhik@epa.gov
Cc: David C. Batson; Nicholas W. van Aelstyn; Mark.Rigau@usdoj.gov; bwick@ww-envlaw.com; elaine.o'neil@sfgov.org; Jim.Thomas@dla.mil; ktobias@parks.ca.gov; Shari.Posner@doj.ca.gov
Subject: Fw: Yosemite Creek: Possible additional PRP

Thanne,

Here is a re-send of an email I sent you last year about Pacific Electric Manufacturing Corporation.

Elaine M. O'Neil
Deputy City Attorney
City and County of San Francisco
1390 Market Street, 7th Floor
San Francisco, CA 94102
Tel: 415-554-3881
Fax: 415-554-3985
Email: elaine.o'neil@sfgov.org

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----- Forwarded by Elaine O'Neil/CTYATT on 05/09/2013 05:31 PM -----

From: Elaine O'Neil/CTYATT
To: cox.elizabeth@epa.gov,
Cc: Amy Brownell/DPH/SFGOV@SFGOV, Gregg Douglas <gddouglas@newfields.com>, Dave Puchalski <dpuchalski@newfields.com>
Date: 04/27/2012 04:30 PM
Subject: Yosemite Creek: Possible additional PRP

Thanne,

Following up on our telephone conversation today, I am providing information about an additional PRP for the Yosemite Creek site -- Pacific Electric Manufacturing Corporation (PEM), which later merged with Federal Electric Company and became Federal Pacific Electric (FPE).

The 1928 Sanborn Map (attached below) shows a facility, the Pacific Electric Manufacturing Corporation, located at Jennings and Carroll. According to the map, the facility had a large laboratory, a large area set aside for 'oil storage in steel drums,' a barrel warehouse, and a barrel storage area. From the map, it appears there was an incinerator in the far east side of the facility with a possible drain toward the railroad siding and possibly toward the marsh. The facility is identical on the 1950 Sanborn Map.

Records reflect that research was initiated at the Pacific Electric Manufacturing Corporation in 1926. A listing from a 1946 directory of industrial research laboratories in the United States states the research activities included:

Development and testing of high voltage oil circuit breakers, air switches and controlling equipment, high accuracy current transformers, and high tension fuses; the investigation of mechanical and electrical properties of insulating materials (Hull 1946, p.235).

In 1954, Pacific Electric Manufacturing Corporation merged with Federal Electric Company, and became Federal Pacific Electric (Industry and Power 1954).

The facility closed sometime between 1958 (the date of the last mention in any trade journals) and 1962, when The National Ice and Cold Storage Plant opened a facility at this location, according to business directories. In 1979, Reliance purchased Federal Pacific Electric (an Exxon subsidiary) (Exxon Corp 1986). In 1986, Reliance manager's broke from Exxon, and they operated as a private company for 9 years. In 1995, Rockwell Automation bought Reliance (Dow Jones 1995). Rockwell then sold all their transformer operations to SPX Corp in 1999 (Savage 1999). SPX is number 460 on the Fortune 500 and is headquartered in North Carolina (Hoover's Inc. 2012).

Our consultant, NewFields, is aware of other sites where PEM/FPE has been named as a PRP for PCB contamination. We can provide you with additional detail.

Attached is a copy of the 1928 Sanborn Map and a diagram showing the location of the site in relation to Yosemite Creek.

Elaine M. O'Neil
Deputy City Attorney
City and County of San Francisco
1390 Market Street, 7th Floor
San Francisco, CA 94102
Tel: 415-554-3881
Fax: 415-554-3985
Email: elaine.o'neil@sfgov.org

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Sent: Thursday, May 09, 2013 5:38 PM
To: Cox, Elizabeth;DUTTA, ABHIK
Cc: David C. Batson;NvanAelstyn@bdlaw.com;Mark.Rigau@usdoj.gov;bwick@ww-envlaw.com;elaine.o'neil@sfgov.org;Jim.Thomas@dla.mil;ktobias@parks.ca.gov;Shari.Posner@doj.ca.gov
Subject: Fw: Yosemite Creek: Possible additional PRP
Attachments: 1928 Sanborn Map #847 PEM -FPE Site.pdf; Figure A Location Plan for FPE Site 04-23-2012.pdf

Thanne,

Here is a re-send of an email I sent you last year about Pacific Electric Manufacturing Corporation.

Elaine M. O'Neil
Deputy City Attorney
City and County of San Francisco
1390 Market Street, 7th Floor
San Francisco, CA 94102
Tel: 415-554-3881
Fax: 415-554-3985
Email: elaine.o'neil@sfgov.org

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----- Forwarded by Elaine O'Neil/CTYATT on 05/09/2013 05:31 PM -----

From: Elaine O'Neil/CTYATT
To: cox.elizabeth@epa.gov,
Cc: Amy Brownell/DPH/SFGOV@SFGOV, Gregg Douglas <gdouglas@newfields.com>, Dave Puchalski <dpuchalski@newfields.com>
Date: 04/27/2012 04:30 PM
Subject: Yosemite Creek: Possible additional PRP

Thanne,

Following up on our telephone conversation today, I am providing information about an additional PRP for the Yosemite Creek site -- Pacific Electric Manufacturing Corporation (PEM), which later merged with Federal Electric Company and became Federal Pacific Electric (FPE).

The 1928 Sanborn Map (attached below) shows a facility, the Pacific Electric Manufacturing Corporation, located at Jennings and Carroll. According to the map, the facility had a large laboratory, a large area set aside for 'oil storage in steel drums,' a barrel warehouse, and a barrel storage area. From the map, it appears there was an incinerator in the far east side of the facility with a possible drain toward the railroad siding and possibly toward the marsh. The facility is identical on the 1950 Sanborn Map.

Records reflect that research was initiated at the Pacific Electric Manufacturing Corporation in 1926. A listing from a 1946 directory of industrial research laboratories in the United States states the research activities included:

Development and testing of high voltage oil circuit breakers, air switches and controlling equipment, high accuracy current transformers, and high tension fuses; the investigation of mechanical and electrical properties of insulating materials (Hull 1946, p.235).

In 1954, Pacific Electric Manufacturing Corporation merged with Federal Electric Company, and became Federal Pacific Electric (Industry and Power 1954).

The facility closed sometime between 1958 (the date of the last mention in any trade journals) and 1962, when The National Ice and Cold Storage Plant opened a facility at this location, according to business directories. In 1979, Reliance purchased Federal Pacific Electric (an Exxon subsidiary) (Exxon Corp 1986). In 1986, Reliance manager's broke from Exxon, and they operated as a private company for 9 years. In 1995, Rockwell Automation bought Reliance (Dow Jones 1995). Rockwell then sold all their transformer operations to SPX Corp in 1999 (Savage 1999). SPX is number 460 on the Fortune 500 and is headquartered in North Carolina (Hoover's Inc. 2012).

Our consultant, NewFields, is aware of other sites where PEM/FPE has been named as a PRP for PCB contamination. We can provide you with additional detail.

Attached is a copy of the 1928 Sanborn Map and a diagram showing the location of the site in relation to Yosemite Creek.

Elaine M. O'Neil
Deputy City Attorney
City and County of San Francisco
1390 Market Street, 7th Floor
San Francisco, CA 94102
Tel: 415-554-3881
Fax: 415-554-3985
Email: elaine.o'neil@sfgov.org

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Tennis, Rachel

From: Ehrlich, Kenneth A. <KAE@JMBM.com>
Sent: Thursday, May 09, 2013 9:41 AM
To: DUTTA, ABHIK
Subject: RE: For the Yosemite Meeting tomorrow

When will the conf call begin? I'm on hold.



Kenneth A. Ehrlich

Partner

JMBM | Jeffer Mangels Butler & Mitchell LLP

DIRECT: (310) 785-5395 | **MAIN:** 310.203.8080 | **FAX:** (310) 712-3395 | **E-MAIL:** KEhrlich@jmbm.com
WEB: www.JMBM.com | **ADDRESS:** 1900 Avenue of the Stars, 7th Floor, Los Angeles, California 90067



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From: DUTTA, ABHIK [<mailto:dutta.abhik@epa.gov>]

Sent: Thursday, May 09, 2013 9:38 AM

To: Cox, Elizabeth; allen.j.danzig@sherwin.com; Buzz Hines; bwick@ww-envlaw.com; Campbell Irving; David Alderson ; dpc@costalaw.net; Elaine M O'Neil; JChen@bdlaw.com; Jim.Thomas@dla.mil; kathryn.colson@slc.ca.gov; Ehrlich, Kenneth A.; ktobias@parks.ca.gov; mark.a.zuschek@exxonmobil.com; Mark.Rigau@usdoj.gov; NvanAelstyn@bdlaw.com; robert.w.jackmore@exxonmobil.com; Shari Posner; Victor Marquez; batsonadr@verizon.net

Cc: Cooper, Craig; Fong, YvonneW

Subject: RE: For the Yosemite Meeting tomorrow

Hello everyone,

Here is today's presentation all in one pdf; its 13 MB

Thanks,

[Abhik Dutta](#)

Civil Investigator

Superfund Site Cleanup Branch

U.S. EPA Region 9

75 Hawthorne St. (SFD-7-5)

San Francisco, CA. 94105

Office: (415) 972-3318

Fax: (415) 947-3520

Email: dutta.abhik@epa.gov

Tennis, Rachel

From: Ehrlich, Kenneth A. <KAE@JMBM.com>
Sent: Monday, May 06, 2013 3:53 PM
To: Cox, Elizabeth
Cc: DUTTA, ABHIK
Subject: Re: Yosemite Slough

It there a call-in option?

Kenneth A. Ehrlich
Jeffer Mangels Butler & Mitchell LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067
Telephone: (310) 785-5395
Fax: (310) 203-0567
E-mail: kae@jmbm.com
Internet Web Site: <http://www.jmbm.com>

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Sent from my BlackBerry Wireless Handheld

From: Cox, Elizabeth [mailto:Cox.Elizabeth@epa.gov]
Sent: Monday, May 06, 2013 03:41 PM
To: Ehrlich, Kenneth A.
Cc: DUTTA, ABHIK <dutta.abhik@epa.gov>
Subject: Yosemite Slough

Dear Mr. Ulrich

I am the EPA attorney assigned to the Yosemite Slough Superfund Site. Mr. Dutta, the civil investigator, forwarded me your name and number. It is my understanding that you represent RWD, the owner of property adjacent to the slough.

There is a PRP/EPA attorneys meeting scheduled this Thurs at 10am in EPA's offices in San Francisco. Please come if you are available. We will be discussing the on-going Engineering Evaluation and Cost Analysis (EECA) development as well as some liability issues. EPA projects that the EECA will be finalized this summer and the Non-Time Critical Action Memorandum choosing a removal action will be completed this fall.

Please give me a call at your earliest convenience.

Thank you,

Thanne Berg
US EPA Region 9
Office of Regional Counsel
75 Hawthorne Street

San Francisco, CA 94105
(415) 972-3908
(415) 203-6104 (mobile)
cox.elizabeth@epa.gov

Tennis, Rachel

From: Campbell Irving <cairving@coca-cola.com>
Sent: Wednesday, April 10, 2013 6:13 AM
To: DUTTA, ABHIK
Subject: RE: Yosemite Creek Superfund Site - General Notice Letter

Mr. Dutta –

Thank you for this. I was also wondering if you had a scanned copy of the report on our bottle-cleaning solvents and their lead components?

Thank you again

Campbell

From: DUTTA, ABHIK [mailto:dutta.abhik@epa.gov]
Sent: Tuesday, April 09, 2013 6:17 PM
To: Campbell Irving
Subject: Yosemite Creek Superfund Site - General Notice Letter

Hello Mr. Irving,
Attached is an electronic version of the complete General Notice Letter.
If you have any questions, feel free to call or email.
Thanks,

Abhik Dutta
Civil Investigator
Superfund Site Cleanup Branch

U.S. EPA Region 9
75 Hawthorne St. (SFD-7-5)
San Francisco, CA. 94105

Office: (415) 972-3318
Fax: (415) 947-3520
Email: dutta.abhik@epa.gov

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Tennis, Rachel

From: Nicholas W. van Aelstyn <NvanAelstyn@bdlaw.com>
Sent: Tuesday, April 09, 2013 11:45 AM
To: Cox, Elizabeth;david_batson@verizon.net;Katherine Tobias;Elaine M O'Neil;Jim.Thomas@dla.mil
Cc: Cooper, Craig;DUTTA, ABHIK
Subject: RE: Yosemite General Notice Letters

Thanne,

Thank you for sharing these general notice letters (“GNLs”) with us. I and likely others have some questions and comments about the GNLs, which I anticipate will be addressed later. There is one important item that I feel compelled to address at this time though. The GNLs state that a “PRP group is forming concerning this Site consisting of other PRPs who have previously received [a GNL] from EPA,” and then provide my contact information as the “PRP group spokesperson.” That is not correct. I represent one group of PRPs that is, perhaps misleadingly, named the Yosemite Slough PRP Group. As you know, all of the members of this group were named as PRPs by EPA due to their prior involvement with the Bay Area Drum State Superfund site. There are several other PRPs at the Yosemite Slough site that were named due to a different alleged nexus, and they are not members of the group that I represent. I would suggest that a more appropriate contact might be David Batson, though I will defer to him as to whether or not he would be willing to field calls from newly-named PRPs.

Sincerely,

Nico

Nicholas W. van Aelstyn

Principal
Beveridge & Diamond, P.C.
456 Montgomery St. Suite 1800
San Francisco, CA 94104
T (415) 262-4008 ~ F (415) 262-4040
NvanAelstyn@bdlaw.com



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Please consider the environment before printing this e-mail.

From: Cox, Elizabeth [mailto:Cox.Elizabeth@epa.gov]
Sent: Monday, April 08, 2013 11:17 AM
To: Nicholas W. van Aelstyn; david_batson@verizon.net; Katherine Tobias; Elaine M O'Neil; Jim.Thomas@dla.mil
Cc: Cooper, Craig; DUTTA, ABHIK
Subject: Yosemite General Notice Letters

Counselors:

Attached are four notice letters that were signed on April 5, 2013.

Thank you,

Thanne Cox Berg
US EPA Region 9
Office of Regional Counsel
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3908
(415) 203-6104 (mobile)
cox.elizabeth@epa.gov

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(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

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Tennis, Rachel

From: Francisco A. Gutierrez <fgutierrez@mhalllaw.com>
Sent: Saturday, March 30, 2013 1:23 PM
To: DUTTA, ABHIK
Subject: RE: Gonzalez Property

Abhik,

I received your voice message from Thursday. I did not get a chance to return your call because I was in trial on Thursday and Friday last week. There is no trial on Monday, so I am available then. I will call you in the morning, unless you'd prefer the late afternoon (after 4pm).

Regards,

Francisco A. Gutierrez
M. C. Hall & Associates, P.C.
Attorneys and Counselors at Law
605 Market Street, Suite 900
San Francisco, CA 94105
Tel.: (415) 512-9865
Fax: (415) 495-7204

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From: Dutta.Abhik@epamail.epa.gov [mailto:Dutta.Abhik@epamail.epa.gov]
Sent: Wednesday, February 06, 2013 4:41 PM
To: Francisco A. Gutierrez
Subject: Gonzalez Property

Hi Francisco,
I hope all is well. Do you know if any progress was made regarding companies that sent waste to the facility? Also, I was wondering if you (and your client) would be able to assist in finding contact information for Don Angulo. He conducted the accounting and administrative consulting activities for the company. The last known number I have is 650-952-2032.
Thanks,

Abhik Dutta
Civil Investigator
Superfund Site Cleanup Branch

U.S. EPA Region 9
75 Hawthorne St. (SFD-7-5)
San Francisco, CA. 94105

Office: (415) 972-3318
Fax: (415) 947-3520
Email: dutta.abhik@epa.gov

Tennis, Rachel

From: Zachary Norris <ZNorris@bdlaw.com>
Sent: Wednesday, March 27, 2013 2:37 PM
To: DUTTA, ABHIK
Cc: Nicholas W. van Aelstyn
Subject: Yosemite Slough - EPA PRP Investigation
Attachments: EPA Metal Fabrication Industry Profile.PDF

Hi Abhik,

I write to follow up regarding EPA's PRP Investigation in the Yosemite Slough. We received and reviewed a CD with several new responses to 104(e) requests that Toeroek sent us on the 15th. I hope to get your thoughts on the following items based on our review of EPA's tracking spreadsheet and the responses:

- 1) PG&E facility (6150 3rd Street): PG&E has denied ownership of the property or that Electric Storage Battery Company was a subsidiary or predecessor. As you know, this facility has a potential link to PCBs. What steps has EPA taken to investigate PG&E's connection to this facility beyond PG&E's denial?
- 2) Rockwell Automation facility (Third Street b/t Carroll and Donner Ave.): Rockwell denies any connection to this property based on its corporate history research. As you know, this facility is a high risk for releases. Has EPA taken any steps to further investigate the corporate successor of Pacific Electric Manufacturing Company? Has EPA taken any steps to identify other parties that may be responsible for the manufacture of electric products (circuit breakers, transformers, etc.) at this facility? Is this property the same one for which Coca Cola Company was recently issued an information request (5800 3rd Street)?
- 3) Any update on EPA's approach to those entities for which information requests were sent but were either refused by recipient, recipient was unavailable to sign for letter, or for which no response has been received?
- 4) Several responses relate to metal fabrication facilities (see, e.g., Die and Tool Products). Please be advised that the metal fabrication industry has a documented history of releases of chemicals that are COCs at the site, including lead and chromium compounds (see attached profile of metal fabrication industry). Several responses provided by metal fabrication entities are inadequate, and warrant further investigation (see, e.g., Young's Sheet Metal, Western Piping & Engineering, Altuis Enterprises, etc.). The Inya Yang Living Trust response indicated that a metal fabrication facility previously existed on the property. Any follow up?
- 5) Several entities provided incomprehensible and/or inadequate responses. For example, hand written responses that are illegible (Auto Row Parts, Young's Sheet Metal, etc.) and responses that are inadequate and evasive (Frase Enterprises, PG&E, Rockwell, Gonzales Bucket & Drum, etc.). Has EPA taken any action to follow up on those responses or obtain more information on those properties?

Also, please do pass along any newly received 104(e) responses that the agency received. It appears that several responses were due to EPA recently.

Thanks for your attention to this, Abhik. Please feel free to give me a call if you want to discuss (I am out of the office today but will be in the office tomorrow and Friday).

Yours,

Zachary Norris

Associate
Beveridge & Diamond, P.C.
456 Montgomery Street Suite 1800
San Francisco, CA 94104



T (415) 262-4014 ~ F (415) 262-4040

ZNorris@bdlaw.com

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If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Tennis, Rachel

From: Campbell Irving <cairving@coca-cola.com>
Sent: Friday, March 15, 2013 8:04 AM
To: DUTTA, ABHIK
Cc: COX, ELIZABETH
Subject: Coca-Cola 104(e) Response re: Yosemite Creek Superfund Site
Attachments: Coca-Cola 104(e) Response for Yosemite Creek Superfund Site.pdf

Mr. Dutta –

Attached is a PDF version of The Coca-Cola Company's Response to the 104(e) Request for Information on the Yosemite Creek Superfund Site. A certified copy of this document has been mailed to you along with a separate CD, which contains attached documents (Appendices B to O) referenced in the responses to the individual questions.

Should you have any further questions or concerns, please feel free to contact me directly.

Thank you

G. Campbell Irving
Staff Attorney, Corporate Global Marketing & Environmental Law
The Coca-Cola Company
P: 404-515-8009
C: 404-548-2773

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Tennis, Rachel

From: LEARY, KAREN H (Legal) <kl2769@att.com>
Sent: Wednesday, March 06, 2013 9:26 AM
To: DUTTA, ABHIK
Cc: SHORB III, PAUL E (Legal); SORENSON, RICHARD (Legal)
Subject: 104(e) Request for Information - Pacific Bell Telephone Company, San Francisco, CA First Supplemental Response
Attachments: Pacific Bell - first supplemental response letter 3-6-13.pdf; Pacific Bell first supplemental response - attachment A.pdf; Pacific Bell first supplemental response - revised index of documents.pdf

Dear Mr. Dutta:

I am sending you this e-mail message at the request of attorneys Paul Shorb and Richard Sorenson. This e-mail contains the attached letter providing Pacific Bell Telephone Company's first supplemental response to the U.S. EPA Region 9 CERCLA Section 104(e) Request for Information dated October 24, 2012, addressed to Kenneth P. McNeely of Pacific Bell Telephone Company (the "Information Request"). Also included is the scanned Attachment A - Pacific Bell First Supplemental Responses to Information Request Enclosure B Questions and the Revised Index of Documents Responsive to Information Request. Paper copies of these documents are being sent to you by overnight mail for next day delivery along with a disk containing non-confidential documents responsive to information request and a disc containing documents identified as confidential information responsive to information request. The confidential information has been placed in an envelope, labeled "Confidential Information." Additional details regarding Pacific Bell's supplemental response are included in the cover letter.

Regards,

Karen Leary
Senior Paralegal
AT&T Services, Inc.
One AT&T Way, Room 3A234J
Bedminster, NJ 07920
(t): 908-532-1997
(f): 832-213-0153

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Tennis, Rachel

From: Elaine O'Neil <Elaine.O'Neil@sfgov.org>
Sent: Wednesday, February 27, 2013 11:30 AM
To: COX, ELIZABETH
Cc: Cooper, Craig;DUTTA, ABHIK;Fong, yfong
Subject: Re: FW: property ownership (Yosemite Creek)

Thanne,

Answers to your questions are as follows:

Is the Port Commission of San Francisco the property owner of the slough? Or is it more accurate to state that the land is held in trust, the people of California are the beneficiaries and the Port Commission is the trustee? *The answer is yes to both questions. The City and County of San Francisco, acting by and through its Port Commission, owns the Yosemite Slough property in trust for the benefit of the people of the State of California. The Yosemite Slough property is subject to the public trust for commerce, navigation and fisheries, as well as the use and other restrictions imposed under the Burton Act (Stats 1968, Ch. 1333, as amended) and the Burton Act Transfer Agreement of 1969.*

Is the Port Commission a separate entity than the City? *The Port of San Francisco is an Enterprise Department of the City and County of San Francisco. The Port Commission controls and manages the Port property that was transferred to the City under the Burton Act.*

Can I assume that you represent both entities? *Yes, Section B.585 of the City Charter names the City Attorney as the legal advisor to the Port Commission.*

Elaine M. O'Neil
Deputy City Attorney
City and County of San Francisco
1390 Market Street, 7th Floor
San Francisco, CA 94102
Tel: 415-554-3881
Fax: 415-554-3985
Email: elaine.o'neil@sfgov.org

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From: "COX, ELIZABETH" <Cox.Elizabeth@epa.gov>
To: Elaine M O'Neil <elaine.o'neil@sfgov.org>
Cc: "Cooper, Craig" <Cooper.Craig@epa.gov>, "Fong, yfong" <Fong.YvonneW@epa.gov>, "DUTTA, ABHIK" <dutta.abhik@epa.gov>
Date: 02/20/2013 09:41 AM
Subject: FW: property ownership

Elaine:

Just so I understand, is the Port Commission of San Francisco the property owner of the slough? Or is it more accurate to state that the land is held in trust, the people of California are the beneficiaries and the Port Commission is the trustee? Is the Port Commission a separate entity than the City? Or can I assume that you represent both entities?

Thanks

-----Original Message-----

From: Cooper, Craig
Sent: Tuesday, February 19, 2013 12:00 PM
To: COX, ELIZABETH; DUTTA, ABHIK
Cc: Fong, yfong
Subject: FW: property ownership

-----Original Message-----

From: Amy Brownell [<mailto:Amy.Brownell@sfdph.org>]
Sent: Tuesday, February 19, 2013 11:50 AM
To: Cooper, Craig
Cc: Elaine O'Neil; dpuchalski@newfields.com
Subject: property ownership

Craig:

the SF Port has confirmed the manner in which it holds the Yosemite Slough property as follows:

"City and County of San Francisco, acting by and through its Port Commission, as trustee on behalf of the people of the State of California under Chapter 1333 of the Statutes of 1968, as amended"

please insert this information in the appropriate location(s) in the EECA that discuss property ownership

call me if you have any questions - cell 925-876-0453

thanks,
Amy Brownell, P.E.
San Francisco Health Department
1390 Market St., Suite 410
San Francisco, CA 94102
415-252-3967
fax 415-252-3889
amy.brownell@sfdph.org

Tennis, Rachel

From: Zachary Norris <ZNorris@bdlaw.com>
Sent: Monday, February 25, 2013 3:16 PM
To: DUTTA, ABHIK
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses
Attachments: 104(e) Tracking.xls

Thank you very much, Abhik!

As discussed below, however, I am most interested in obtaining an updated spreadsheet that shows what responses have been sent and what replies received. You sent me the attached spreadsheet in April of last year, and I wonder if you have an updated version.

Thanks Much,

Zachary Norris

Associate
Beveridge & Diamond, P.C.
456 Montgomery Street Suite 1800
San Francisco, CA 94104
T (415) 262-4014 ~ F (415) 262-4040
ZNorris@bdlaw.com



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From: DUTTA, ABHIK [<mailto:dutta.abhik@epa.gov>]
Sent: Monday, February 25, 2013 3:13 PM
To: Zachary Norris
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses

Hi Zachary,
My consultants are compiling some responses we received last week and then will send a CD.

Abhik Dutta
Civil Investigator
Superfund Site Cleanup Branch

U.S. EPA Region 9
75 Hawthorne St. (SFD-7-5)
San Francisco, CA. 94105

Office: (415) 972-3318
Fax: (415) 947-3520
Email: dutta.abhik@epa.gov

From: Zachary Norris [<mailto:ZNorris@bdlaw.com>]
Sent: Monday, February 25, 2013 3:12 PM
To: DUTTA, ABHIK
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses

Abhik,

I have not heard back from you regarding either of the emails below. If you are not the correct person for me to contact, please let me know where to forward my request.

Thanks,

Zachary Norris

Associate
Beveridge & Diamond, P.C.
456 Montgomery Street Suite 1800
San Francisco, CA 94104
T (415) 262-4014 ~ F (415) 262-4040
ZNorris@bdlaw.com

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From: Zachary Norris
Sent: Wednesday, February 13, 2013 1:08 PM
To: 'Abhik Dutta'
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses

Also,

Do you have an update with respect to any of the entities for which EPA was looking into successor entities and or new addresses?

Thanks much, Abhik,

Zachary Norris

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Sent: Wednesday, February 13, 2013 12:46 PM
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Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses

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Thanks for your attention to this.

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From: Abhik Dutta [<mailto:Dutta.Abhik@epamail.epa.gov>]
Sent: Friday, April 20, 2012 2:23 PM
To: Zachary Norris
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses

Hi Zachary,
Attached is a spreadsheet of where 104(e) letters were sent and if the recipient responded. Feel free to contact me if you have any questions.
Have a nice weekend,

Abhik Dutta
Civil Investigator
Superfund Site Cleanup Branch

U.S. EPA Region 9
75 Hawthorne St. (SFD-7-5)

San Francisco, CA. 94105

Office: (415) 972-3318

Fax: (415) 947-3520

Email: dutta.abhik@epa.gov

From: "Zachary Norris" <ZNorris@bdlaw.com>
To: Abhik Dutta/R9/USEPA/US@EPA
Date: 04/10/2012 10:55 AM
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses

Abhik,

Indeed, I have always wanted to travel to Morocco; so much history and beauty, and as a surfer the west coast near Agadir is known as a great place for waves. I have a honeymoon coming up in August, but I think my fiancé is set on Croatia as a destination.

It would be great if you could mail the files to my office at 456 Montgomery Street, Suite 1800, San Francisco, CA 94104.

I also wanted to check in regarding the investigation of additional potential source sin the basin. Do you have a list of parties that have been sent 104(e) Requests? Have any responses been produced? I apologize if this information is included in the files that you intend to send me; I just wanted to be sure.

Thanks,
Zachary

From: Abhik Dutta [<mailto:Dutta.Abhik@epamail.epa.gov>]
Sent: Tuesday, April 10, 2012 8:27 AM
To: Zachary Norris
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses

Hi Zachary,
Morocco was an amazing trip, I highly advise going some point in your life.
I think the files may be too large to email. I can put them on a disk and mail it. If you need the files sooner, perhaps we can arrange a pick up or drop off. I think our offices are fairly close.
Thanks,
Abhik

-----"Zachary Norris" <ZNorris@bdlaw.com> wrote: -----

To: Abhik Dutta/R9/USEPA/US@EPA
From: "Zachary Norris" <ZNorris@bdlaw.com>
Date: 04/09/2012 05:07PM
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses
Abhik,

I hope your travels went well. I write to follow up regarding the items below.

Thanks in advance for your response.

Zachary

-----Original Message-----

From: Abhik Dutta [<mailto:Dutta.Abhik@epamail.epa.gov>]

Sent: Tuesday, March 27, 2012 5:08 PM
To: Zachary Norris
Subject: Re: Yosemite Slough Superfund Site - Request for 104(e) Responses

Hi Zachary,
I'm currently traveling, but will be back in town next week. I will look at your email in more detail and get back to you by Wednesday.
Thanks,
Abhik

-----"Zachary Norris" <ZNorris@bdlaw.com> wrote: -----

=====
To: Abhik Dutta/R9/USEPA/US@EPA
From: "Zachary Norris" <ZNorris@bdlaw.com>
Date: 03/26/2012 10:26PM
Cc: Elizabeth Cox/R9/USEPA/US@EPA
Subject: Yosemite Slough Superfund Site - Request for 104(e)
Responses =====
Abhik,

My name is Zachary Norris and I will be working closely with Jia Chen and Nico van Aelstyn on the Yosemite Slough Superfund Site on behalf of the Yosemite Slough PRP Group. I am sure we will communicate regularly in the coming months, and am pleased to meet your acquaintance.

I write to request copies of five (5) 104(e) Responses and the accompanying exhibits:

- 1) Ashland, Inc. (for Ashland Chemical Company)
- 2) The Glidden Co.
- 3) InterState Oil Co.
- 4) Maxus Energy Company (for Occidental Chemical Corp., Successor to Diamond Shamrock Chemical Co.)
- 5) Tyco Electronics Corp. (for Raychem Corp.)

Please advise as to the best procedure for me to obtain copies of those responses and the exhibits.

Also, I hope to obtain a status update regarding Region IX's investigation of potential sources in the basin. How goes progress with respect to that investigation? Do you have a list of parties that have been sent 104(e) Requests? Have any parties submitted responses?

Thank you for your time and attention, and I hope this message finds you well.

Regards,

Zachary Norris

Associate
Beveridge & Diamond, P.C.
456 Montgomery Street Suite 1800
San Francisco, CA 94104
T (415) 262-4015 ~ F (415) 262-4040
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Tennis, Rachel

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To: DUTTA, ABHIK
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Civil Investigator
Superfund Site Cleanup Branch

U.S. EPA Region 9
75 Hawthorne St. (SFD-7-5)
San Francisco, CA. 94105

Office: (415) 972-3318
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Email: dutta.abhik@epa.gov

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Date: 03/26/2012 10:26PM

Cc: Elizabeth Cox/R9/USEPA/US@EPA

Subject: Yosemite Slough Superfund Site - Request for 104(e)

Responses =====

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***** ATTACHMENT NOT DELIVERED *****

Tennis, Rachel

From: Campbell Irving <cairving@coca-cola.com>
Sent: Monday, February 25, 2013 12:57 PM
To: DUTTA, ABHIK
Cc: DUTTA, ABHIK
Subject: RE: Further extension

Mr. Dutta –

Was wondering if you received my request for an extended deadline of March 15 given the circumstances listed below? Also, if you've had any success tracking down the nexus information, that would be great.

Thank you for your time and patience.

From: cairving@coca-cola.com
Sent: Friday, February 22, 2013 5:22 PM
To: Dutta.Abhik@epamail.epa.gov
Cc: dutta.abhik@epa.gov
Subject: Further extension

Mr. Dutta –

Soon after we spoke, I received a call from two of our key former employees, who will be able to provide us information on a number of critical questions, notified me that they would not be able to speak with us until the following week (week of March 4). That, coupled with the fact that my co-counsel, and chief environmental attorney here at Coca-Cola, has been called away and we have not yet received the nexus information, I was wondering if instead of me e-mailing you a very incomplete response on the 28th, if we could have until March 15, at which time we would be able to provide a final document with no further extensions foreseeable?

Thank you for your patience, and sorry for the change in circumstances.

G. Campbell Irving
Staff Attorney, Corporate Global Marketing & Environmental Law
The Coca-Cola Company
P: 404-515-8009
C: 404-548-2773

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Tennis, Rachel

From: Campbell Irving <cairving@coca-cola.com>
Sent: Friday, February 22, 2013 2:22 PM
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Cc: DUTTA, ABHIK
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Follow Up Flag: Follow up
Flag Status: Completed

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Tennis, Rachel

From: Campbell Irving <cairving@coca-cola.com>
Sent: Thursday, February 21, 2013 12:46 PM
To: DUTTA, ABHIK
Cc: DUTTA, ABHIK
Subject: FW: Nexus Information

Mr. Dutta –

Just wondering if you received my request for nexus information regarding Coca-Cola USA and the Yosemite Creek Superfund Site?

Thank you

From: cairving@coca-cola.com
Sent: Tuesday, February 19, 2013 1:25 PM
To: 'Dutta.Abhik@epamail.epa.gov'
Subject: Nexus Information

Mr. Dutta –

I wanted to keep you posted that we are moving along very aggressively with our investigation and response to the Yosemite Creek Superfund Request for Information. As we do so, I was wondering if you perhaps had any Nexus Information you would be willing to share on Coca-Cola USA and/or The Coca-Cola Company with regard to the actual or threatened contamination(s) at the site?

Thank you

G. Campbell Irving
Staff Attorney, Corporate Global Marketing & Environmental Law
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C: 404-548-2773

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Tennis, Rachel

From: Campbell Irving <cairving@coca-cola.com>
Sent: Thursday, February 14, 2013 8:20 AM
To: DUTTA, ABHIK
Subject: RE: Extension Confirmation

Mr. Dutta –

I wanted to keep you posted that we are moving along very aggressively with our investigation and response to the Yosemite Creek Superfund Request for Information. As we do so, I was wondering if you perhaps had any Nexus Information you would be willing to share on Coca-Cola USA and/or The Coca-Cola Company with regard to the actual or threatened contamination(s) in Yosemite Creek?

Thank you

From: Dutta.Abhik@epamail.epa.gov [mailto:Dutta.Abhik@epamail.epa.gov]
Sent: Wednesday, February 06, 2013 12:44 PM
To: Campbell Irving
Subject: Re: Extension Confirmation

Hello Mr. Irving,
I have received your email and confirm the information below. Please do not take the Feb 28th deadline lightly. Let us touch base again the week of the 25th, so I understand the status of the material that will be sent.
Thanks,

Abhik Dutta
Civil Investigator
Superfund Site Cleanup Branch

U.S. EPA Region 9
75 Hawthorne St. (SFD-7-5)
San Francisco, CA. 94105

Office: (415) 972-3318
Fax: (415) 947-3520
Email: dutta.abhik@epa.gov

From: Campbell Irving <cairving@coca-cola.com>
To: Abhik Dutta/R9/USEPA/US@EPA,
Date: 02/06/2013 06:45 AM
Subject: Extension Confirmation

Mr. Dutta –

My e-mail has been a little off lately, so I wanted to make sure you received my confirmation concerning the extension of Coca-Cola's 104(e) Request for Information on the Yosemite Creek Superfund Site:

This is just to confirm that you have authorized an extension through the end of February, 2013, to The Coca-Cola Company to respond to the 104(e) Request for Information on the Yosemite Creek Superfund Site. At which date, Feb. 28, if more time is needed, we are to submit the information we do have in response to the questionnaire with a request to supplement , in which case there is a possibility that a limited extension will be granted.

If I missed anything, please feel free to let me know.

Thank you

G. Campbell Irving
Staff Attorney, Corporate Global Marketing & Environmental Law
The Coca-Cola Company
P: 404-515-8009
C: 404-548-2773

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Tennis, Rachel

From: Zachary Norris <ZNorris@bdlaw.com>
Sent: Wednesday, February 13, 2013 1:08 PM
To: DUTTA, ABHIK
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses
Attachments: ATT15224.txt

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Also,

Do you have an update with respect to any of the entities for which EPA was looking into successor entities and or new addresses?

Thanks much, Abhik,

Zachary Norris

Associate
Beveridge & Diamond, P.C.
456 Montgomery Street Suite 1800
San Francisco, CA 94104
T (415) 262-4014 ~ F (415) 262-4040
ZNorris@bdlaw.com



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Please consider the environment before printing this e-mail.

From: Zachary Norris
Sent: Wednesday, February 13, 2013 12:46 PM
To: 'Abhik Dutta'
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses

Abhik,

In April of last year you sent me the attached list tracking EPA's 104(e) requests and entities' responses. In October, Toeroek Associates, Inc. sent me a batch of 104(e) responses that included entities which were not on the attached list, implying that EPA had sent out additional requests. Do you have an updated 104(e) Tracking spreadsheet that you could share with me so that I can confirm that we have all of the relevant responses?

Thanks for your attention to this.

Zachary Norris

Associate
Beveridge & Diamond, P.C.
456 Montgomery Street Suite 1800
San Francisco, CA 94104
T (415) 262-4014 ~ F (415) 262-4040
ZNorris@bdlaw.com



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Please consider the environment before printing this e-mail.

From: Abhik Dutta [<mailto:Dutta.Abhik@epamail.epa.gov>]
Sent: Friday, April 20, 2012 2:23 PM
To: Zachary Norris
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses

Hi Zachary,
Attached is a spreadsheet of where 104(e) letters were sent and if the recipient responded. Feel free to contact me if you have any questions.
Have a nice weekend,

Abhik Dutta
Civil Investigator
Superfund Site Cleanup Branch

U.S. EPA Region 9
75 Hawthorne St. (SFD-7-5)
San Francisco, CA. 94105

Office: (415) 972-3318
Fax: (415) 947-3520
Email: dutta.abhik@epa.gov

From: "Zachary Norris" <ZNorris@bdlaw.com>
To: Abhik Dutta/R9/USEPA/US@EPA
Date: 04/10/2012 10:55 AM
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses

Abhik,

Indeed, I have always wanted to travel to Morocco; so much history and beauty, and as a surfer the west coast near Agadir is known as a great place for waves. I have a honeymoon coming up in August, but I think my fiancé is set on Croatia as a destination.

It would be great if you could mail the files to my office at 456 Montgomery Street, Suite 1800, San Francisco, CA 94104.

I also wanted to check in regarding the investigation of additional potential source sin the basin. Do you have a list of parties that have been sent 104(e) Requests? Have any responses been produced? I apologize if this information is included in the files that you intend to send me; I just wanted to be sure.

Thanks,
Zachary

From: Abhik Dutta [<mailto:Dutta.Abhik@epamail.epa.gov>]
Sent: Tuesday, April 10, 2012 8:27 AM
To: Zachary Norris
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses

Hi Zachary,
Morocco was an amazing trip, I highly advise going some point in your life.
I think the files may be too large to email. I can put them on a disk and mail it. If you need the files sooner, perhaps we can arrange a pick up or drop off. I think our offices are fairly close.
Thanks,
Abhik

-----"Zachary Norris" <ZNorris@bdlaw.com> wrote: -----
To: Abhik Dutta/R9/USEPA/US@EPA
From: "Zachary Norris" <ZNorris@bdlaw.com>
Date: 04/09/2012 05:07PM
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses
Abhik,

I hope your travels went well. I write to follow up regarding the items below.

Thanks in advance for your response.

Zachary

-----Original Message-----
From: Abhik Dutta [<mailto:Dutta.Abhik@epamail.epa.gov>]
Sent: Tuesday, March 27, 2012 5:08 PM
To: Zachary Norris
Subject: Re: Yosemite Slough Superfund Site - Request for 104(e) Responses

Hi Zachary,
I'm currently traveling, but will be back in town next week. I will look at your email in more detail and get back to you by Wednesday.
Thanks,
Abhik

-----"Zachary Norris" <ZNorris@bdlaw.com> wrote: -----

=====
To: Abhik Dutta/R9/USEPA/US@EPA
From: "Zachary Norris" <ZNorris@bdlaw.com>
Date: 03/26/2012 10:26PM
Cc: Elizabeth Cox/R9/USEPA/US@EPA
Subject: Yosemite Slough Superfund Site - Request for 104(e) Responses
Responses =====
Abhik,

My name is Zachary Norris and I will be working closely with Jia Chen and Nico van Aelstyn on the Yosemite Slough Superfund Site on behalf of the Yosemite Slough PRP Group. I am sure we will communicate regularly in the coming months, and am pleased to meet your acquaintance.

I write to request copies of five (5) 104(e) Responses and the accompanying exhibits:

- 1) Ashland, Inc. (for Ashland Chemical Company)
- 2) The Glidden Co.
- 3) InterState Oil Co.
- 4) Maxus Energy Company (for Occidental Chemical Corp., Successor to Diamond Shamrock Chemical Co.)
- 5) Tyco Electronics Corp. (for Raychem Corp.)

Please advise as to the best procedure for me to obtain copies of those responses and the exhibits.

Also, I hope to obtain a status update regarding Region IX's investigation of potential sources in the basin. How goes progress with respect to that investigation? Do you have a list of parties that have been sent 104(e) Requests? Have any parties submitted responses?

Thank you for your time and attention, and I hope this message finds you well.

Regards,

Zachary Norris

Associate
Beveridge & Diamond, P.C.
456 Montgomery Street Suite 1800
San Francisco, CA 94104
T (415) 262-4015 ~ F (415) 262-4040
ZNorris@bdlaw.com

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From: Zachary Norris <ZNorris@bdlaw.com>
Sent: Wednesday, February 13, 2013 12:46 PM
To: DUTTA, ABHIK
Subject: RE: Yosemite Slough Superfund Site - Request for 104(e) Responses
Attachments: 104(e) Tracking.xls; ATT38096.txt

Abhik,

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Associate
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ZNorris@bdlaw.com



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Superfund Site Cleanup Branch

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Subject: Re: Yosemite Slough Superfund Site - Request for 104(e) Responses

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Date: 03/26/2012 10:26PM
Cc: Elizabeth Cox/R9/USEPA/US@EPA
Subject: Yosemite Slough Superfund Site - Request for 104(e)
Responses =====
Abhik,

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Regards,

Zachary Norris

Associate
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San Francisco, CA 94104
T (415) 262-4015 ~ F (415) 262-4040
ZNorris@bdlaw.com

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***** ATTACHMENT NOT DELIVERED *****

Tennis, Rachel

From: Sabina Sadykhova <ssadykhova@tenaxlawgroup.com>
Sent: Tuesday, February 12, 2013 12:11 PM
To: DUTTA, ABHIK
Subject: FW: 104(e) Request for Information - Real Property located at 1095 Shafter Ave., San Francisco, CA 94124 - Extension to Respond
Attachments: ltrtoEPA2.7.13.pdf

Dear Mr. Dutta,

Pursuant to our phone conversation today, I am re-sending you our request for an extension to EPA's Request for Information.

Thank you for agreeing to extend our response due date to March 5, 2013.

Sabina Sadykhova, Esq.

TENAX

Law Group PC

ATTORNEYS

www.tenaxlawgroup.com

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POINT RICHMOND, CA 94801
T: 510.234.2808 F: 510.234.6009

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From: Sabina Sadykhova [mailto:ssadykhova@tenaxlawgroup.com]
Sent: Thursday, February 07, 2013 1:33 PM
To: 'dutta.abhik@epa.gov'
Cc: 'cox.elizabeth@epa.gov'
Subject: 104(e) Request for Information – Real Property located at 1095 Shafter Ave., San Francisco, CA 94124 - Extension to Respond

Dear Mr. Dutta,

Attached please find a letter on behalf of our client, Robert England, requesting a 30 day extension to respond to EPA's Request for Information.

Thank you,

Sabina Sadykhova, Esq.

TENAX

Law Group PC

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T: 510.234.2808 F: 510.234.6009

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Tennis, Rachel

From: Francisco A. Gutierrez <fgutierrez@mhalllaw.com>
Sent: Monday, February 11, 2013 1:29 PM
To: COX, ELIZABETH
Cc: DUTTA, ABHIK
Subject: RE: 1326 Fitzgerald - Gonzalez property

Ms. Cox,

Thank you for passing along Mr. Batson's contact information.

The counsel for the Picazos is Victor Marquez:
Tel: (415) 848-8971
email: victormarquezesq@aol.com

Office: 20 California Street Suite 700, San Francisco CA.

One question I did not ask is the basis for Mrs. Gonzalez being identified as a PRP – as owner of the property, or as spouse of Mr. Gonzalez? Let me know.

Thank you.

Francisco A. Gutierrez
M. C. Hall & Associates, P.C.
Attorneys and Counselors at Law
605 Market Street, Suite 900
San Francisco, CA 94105
Tel.: (415) 512-9865
Fax: (415) 495-7204

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From: Cox.Elizabeth@epamail.epa.gov [mailto:Cox.Elizabeth@epamail.epa.gov]
Sent: Monday, February 11, 2013 11:12 AM
To: fgutierrez@mhalllaw.com
Cc: Dutta.Abhik@epamail.epa.gov
Subject: RE: 1326 Fitzgerald - Gonzalez property

Thank you for the call last week. If you could email me the contact information for the Picasso's counsel, that would be great.

There is no common counsel for the PRPs at this point. However there is a convening neutral helping the PRP group with allocation and cohesion issues. His name is David Batson and his number is 202-494-8702. He can also be reached at david_batson@verizon.net. He may be the best one to speak to first.

Thanne Cox
Attorney Advisor
US Environmental Protection Agency Region 9
Mail Code ORC-3
75 Hawthorne Street
San Francisco, California 94105-3901
(415) 972-3908
(415) 203-6104 (cell)
cox.elizabeth@epa.gov

From: "Francisco A. Gutierrez" <fgutierrez@mhalllaw.com>
To: Elizabeth Cox/R9/USEPA/US@EPA,
Cc: Abhik Dutta/R9/USEPA/US@EPA
Date: 02/07/2013 05:43 PM
Subject: RE: 1326 Fitzgerald - Gonzalez property

OK. I will expect your call. Thank you.

Francisco A. Gutierrez
M. C. Hall & Associates, P.C.
Attorneys and Counselors at Law
605 Market Street, Suite 900
San Francisco, CA 94105
Tel.: (415) 512-9865
Fax: (415) 495-7204

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From: Cox.Elizabeth@epamail.epa.gov [<mailto:Cox.Elizabeth@epamail.epa.gov>]
Sent: Thursday, February 07, 2013 2:28 PM
To: fgutierrez@mhalllaw.com
Cc: Dutta.Abhik@epamail.epa.gov
Subject: RE: 1326 Fitzgerald - Gonzalez property

Tomorrow at 2pm would work for us. The investigator who knows the facts of this property will also join us on the call. I will call you.

Thank you

Thanne Cox
Attorney Advisor
US Environmental Protection Agency Region 9
Mail Code ORC-3
75 Hawthorne Street
San Francisco, California 94105-3901
(415) 972-3908

(415) 203-6104 (cell)
cox.elizabeth@epa.gov

From: "Francisco A. Gutierrez" <fgutierrez@mhalllaw.com>
To: Elizabeth Cox/R9/USEPA/US@EPA,
Date: 02/07/2013 01:57 PM
Subject: RE: 1326 Fitzgerald - Gonzalez property

I'm available now until 4pm. Tomorrow I am available between 2pm and 4pm. Send me an email to let me know when I should expect your call so that I stay close to my desk.

Francisco A. Gutierrez
M. C. Hall & Associates, P.C.
Attorneys and Counselors at Law
605 Market Street, Suite 900
San Francisco, CA 94105
Tel.: (415) 512-9865
Fax: (415) 495-7204

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From: Cox.Elizabeth@epamail.epa.gov [<mailto:Cox.Elizabeth@epamail.epa.gov>]
Sent: Thursday, February 07, 2013 12:04 PM
To: fgutierrez@mhalllaw.com
Subject: RE: 1326 Fitzgerald - Gonzalez property

Are you available for a call this afternoon or tomorrow afternoon?

Thanne Cox
Attorney Advisor
US Environmental Protection Agency Region 9
Mail Code ORC-3
75 Hawthorne Street
San Francisco, California 94105-3901
(415) 972-3908
(415) 203-6104 (cell)
cox.elizabeth@epa.gov

From: "Francisco A. Gutierrez" <fgutierrez@mhalllaw.com>
To: Elizabeth Cox/R9/USEPA/US@EPA,
Date: 02/04/2013 09:47 AM
Subject: RE: 1326 Fitzgerald - Gonzalez property

Ms. Cox,

Thank you for your email. I'm in depositions this week through Wednesday. I should know by later today or tomorrow how Thursday or Friday look to schedule a time to discuss the Slough Site.

Sincerely,

Francisco A. Gutierrez
M. C. Hall & Associates, P.C.
Attorneys and Counselors at Law
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From: Cox.Elizabeth@epamail.epa.gov [<mailto:Cox.Elizabeth@epamail.epa.gov>]

Sent: Thursday, January 31, 2013 4:08 PM

To: fgutierrez@mhalllaw.com

Subject: RE: 1326 Fitzgerald - Gonzalez property

Mr. Gutierrez:

I would like to set up a time to discuss the Yosemite Slough Site and how it relates to your client's property located in the general vicinity of the slough. Do you have any availability next week (Feb 4-8)? Thank you and I look forward to speaking with you soon.

Thanne Cox
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Mail Code ORC-3
75 Hawthorne Street
San Francisco, California 94105-3901
(415) 972-3908
(415) 203-6104 (cell)
cox.elizabeth@epa.gov

From: "Francisco A. Gutierrez" <fgutierrez@mhalllaw.com>
To: Elizabeth Cox/R9/USEPA/US@EPA,
Date: 12/04/2012 04:51 PM
Subject: RE: 1326 Fitzgerald - Gonzalez property

Hi Ms. Cox,

Thank you for calling me. As confirmed by Mr. Dutta, I represent Mrs. Gonzalez. I'd like to set up a time to return your call, as I was unable to do so today. Please let me know your availability tomorrow and on Thursday for a telephone call.

Regards,

Francisco A. Gutierrez
M C Hall & Associates
Attorneys and Counselors at Law
605 Market Street, Suite 900
San Francisco, CA 94105
Tel.: (415) 512-9865
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From: Dutta.Abhik@epamail.epa.gov [<mailto:Dutta.Abhik@epamail.epa.gov>]

Sent: Tuesday, December 04, 2012 2:20 PM

To: Cox.Elizabeth@epamail.epa.gov

Cc: Francisco A. Gutierrez

Subject: 1326 Fitzgerald - Gonzalez property

Hi Thanne,

I would like to introduce you to Francisco Gutierrez, he is the attorney representing the Gonzalezes. I let him know that you would be in contact and that he too may contact you should he have any legal inquiries.

Thanks,

[Abhik Dutta](#)
Civil Investigator
Superfund Site Cleanup Branch

U.S. EPA Region 9
75 Hawthorne St. (SFD-7-5)
San Francisco, CA. 94105

Office: (415) 972-3318
Fax: (415) 947-3520
Email: dutta.abhik@epa.gov

Tennis, Rachel

From: Jim Cantrell <jimcha@pacbell.net>
Sent: Monday, February 11, 2013 9:22 AM
To: DUTTA, ABHIK
Subject: Fw: Letter from U.S. Environmental Protection Agency
Attachments: EPA Notice Gonzalez Bucket and Drum.pdf

Mr Dutta

Please find below the responses to your questions as provided by ownership. Please contact me with any questions.

Jim

CANTRELL, HARRIS & ASSOCIATES

Improving the properties we manage.

*2001 Union Street, Suite 106
San Francisco , CA 94123
(415) 956-6000*

1. Alfonso and Martha Picazo acquired 50% ownership of parcel(s) 4912-016 on or about March 27, 1979, when Roberto B. and Angelica M. Gonzalez transferred 1/2 interest of the property to them. The Gonzalez's continued to own the remaining 50%. Alfonso and Martha Picazo never occupied the property, nor did they initiate any operations at the property, other than as owners of the rental property.
2. Alfonso and Martha Picazo have never operated a business on parcel(s) 4912-016 and have only held it as rental property.
3. Alfonso and Martha Picazo have never occupied nor had any operations on the property, therefore, they have no information regarding the use and storage of chemicals at parcel(s) 4912-016, except that in or about 2005 they became aware of the existence of underground storage tanks on the property. They have no information as to who installed or used the underground storage tanks.
4. Alfonso and Martha Picazo have never occupied nor have ever had any operations on the property, therefore, they have never engaged any waste disposal methods.
5. Alfonso and Martha Picazo acquired 50% ownership of parcel(s) 4912-016 from Roberto B. and Angelica M. Gonzalez. Alfonso and Martha Picazo believe that Roberto B. and Angelica M. Gonzalez purchased the property from Enjoy Packing, Inc. Prior to and at the time of purchase from Enjoy Packing, Inc., Roberto B. Gonzalez was a tenant on the property and operated his business, Gonzalez Bucket and Drum. After purchasing the property, Mr. Gonzalez continued to occupy and operate his

business on the property until sometime in or about 2004. After Mr. Gonzalez ceased his operations and vacated the premises, the property was leased to various tenants who operated their businesses on the property. They were Olympic Auto Body, North Bay Hauling, USA Hauling, and Thomas Mullin (business name not recalled). To the best of their recollection, Alfonso and Martha Picazo have no further knowledge or information regarding any other previous owner(s)/tenants(s) of parcel(s) 4912-016. Furthermore, Alfonso and Martha Picazo have no knowledge of the operations of any other prior owner(s)/tenant(s) at the property, other than that stated above. Alfonso and Martha Picazo have no knowledge or information of the chemical usage and disposal practices of any previous owner(s)/tenant(s).

Tennis, Rachel

From: Francisco A. Gutierrez <fgutierrez@mhalllaw.com>
Sent: Friday, February 08, 2013 2:36 PM
To: DUTTA, ABHIK
Subject: Victor Marquez - Attorney for the Picazos

Follow Up Flag: Follow up
Flag Status: Completed

Hi Abhik,

Here is Mr. Marquez's contact information:

Tel: (415) 848-8971
email: victormarquezesq@aol.com

Office: 20 California Street Suite 700, San Francisco CA

Regards,

Francisco A. Gutierrez
M. C. Hall & Associates, P.C.
Attorneys and Counselors at Law
605 Market Street, Suite 900
San Francisco, CA 94105
Tel.: (415) 512-9865
Fax: (415) 495-7204

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Tennis, Rachel

From: Francisco A. Gutierrez <fgutierrez@mhalllaw.com>
Sent: Thursday, February 07, 2013 5:44 PM
To: COX, ELIZABETH
Cc: DUTTA, ABHIK
Subject: RE: 1326 Fitzgerald - Gonzalez property

OK. I will expect your call. Thank you.

Francisco A. Gutierrez
M. C. Hall & Associates, P.C.
Attorneys and Counselors at Law
605 Market Street, Suite 900
San Francisco, CA 94105
Tel.: (415) 512-9865
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From: Cox.Elizabeth@epamail.epa.gov [mailto:Cox.Elizabeth@epamail.epa.gov]
Sent: Thursday, February 07, 2013 2:28 PM
To: fgutierrez@mhalllaw.com
Cc: Dutta.Abhik@epamail.epa.gov
Subject: RE: 1326 Fitzgerald - Gonzalez property

Tomorrow at 2pm would work for us. The investigator who knows the facts of this property will also join us on the call. I will call you.

Thank you

Thanne Cox
Attorney Advisor
US Environmental Protection Agency Region 9
Mail Code ORC-3
75 Hawthorne Street
San Francisco, California 94105-3901
(415) 972-3908
(415) 203-6104 (cell)
cox.elizabeth@epa.gov

From: "Francisco A. Gutierrez" <fgutierrez@mhalllaw.com>
To: Elizabeth Cox/R9/USEPA/US@EPA,
Date: 02/07/2013 01:57 PM
Subject: RE: 1326 Fitzgerald - Gonzalez property

I'm available now until 4pm. Tomorrow I am available between 2pm and 4pm. Send me an email to let me know when I should expect your call so that I stay close to my desk.

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M. C. Hall & Associates, P.C.
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Date: 02/04/2013 09:47 AM
Subject: RE: 1326 Fitzgerald - Gonzalez property

Ms. Cox,

Thank you for your email. I'm in depositions this week through Wednesday. I should know by later today or tomorrow how Thursday or Friday look to schedule a time to discuss the Slough Site.

Sincerely,

Francisco A. Gutierrez
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From: Cox.Elizabeth@epamail.epa.gov [<mailto:Cox.Elizabeth@epamail.epa.gov>]
Sent: Thursday, January 31, 2013 4:08 PM
To: fgutierrez@mhalllaw.com
Subject: RE: 1326 Fitzgerald - Gonzalez property

Mr. Gutierrez:

I would like to set up a time to discuss the Yosemite Slough Site and how it relates to your client's property located in the general vicinity of the slough. Do you have any availability next week (Feb 4-8)? Thank you and I look forward to speaking with you soon.

Thanne Cox
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To: Elizabeth Cox/R9/USEPA/US@EPA,
Date: 12/04/2012 04:51 PM
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Hi Ms. Cox,

Thank you for calling me. As confirmed by Mr. Dutta, I represent Mrs. Gonzalez. I'd like to set up a time to return your call, as I was unable to do so today. Please let me know your availability tomorrow and on Thursday for a telephone call.

Regards,

Francisco A. Gutierrez
M C Hall & Associates
Attorneys and Counselors at Law

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From: Dutta.Abhik@epamail.epa.gov [<mailto:Dutta.Abhik@epamail.epa.gov>]

Sent: Tuesday, December 04, 2012 2:20 PM

To: Cox.Elizabeth@epamail.epa.gov

Cc: Francisco A. Gutierrez

Subject: 1326 Fitzgerald - Gonzalez property

Hi Thanne,

I would like to introduce you to Francisco Gutierrez, he is the attorney representing the Gonzalezes. I let him know that you would be in contact and that he too may contact you should he have any legal inquiries.

Thanks,

[Abhik Dutta](#)

Civil Investigator

Superfund Site Cleanup Branch

U.S. EPA Region 9
75 Hawthorne St. (SFD-7-5)
San Francisco, CA. 94105

Office: (415) 972-3318
Fax: (415) 947-3520
Email: dutta.abhik@epa.gov

Tennis, Rachel

From: Sabina Sadykhova <ssadykhova@tenaxlawgroup.com>
Sent: Thursday, February 07, 2013 1:33 PM
To: DUTTA, ABHIK
Cc: COX, ELIZABETH
Subject: 104(e) Request for Information - Real Property located at 1095 Shafter Ave., San Francisco, CA 94124 - Extension to Respond
Attachments: ltrtoEPA2.7.13.pdf

Dear Mr. Dutta,

Attached please find a letter on behalf of our client, Robert England, requesting a 30 day extension to respond to EPA's Request for Information.

Thank you,

Sabina Sadykhova, Esq.

TENAX

Law Group PC

ATTORNEYS

www.tenaxlawgroup.com

145 PARK PLACE, SUITE A
POINT RICHMOND, CA 94801
T: 510.234.2808 F: 510.234.6009

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Tennis, Rachel

From: Campbell Irving <cairving@coca-cola.com>
Sent: Wednesday, February 06, 2013 9:46 AM
To: DUTTA, ABHIK
Subject: RE: Extension Confirmation

Understood. I will check in on the 25th (or sooner) with an update.

From: Dutta.Abhik@epamail.epa.gov [mailto:Dutta.Abhik@epamail.epa.gov]
Sent: Wednesday, February 06, 2013 12:44 PM
To: Campbell Irving
Subject: Re: Extension Confirmation

Hello Mr. Irving,
I have received your email and confirm the information below. Please do not take the Feb 28th deadline lightly. Let us touch base again the week of the 25th, so I understand the status of the material that will be sent.
Thanks,

Abhik Dutta
Civil Investigator
Superfund Site Cleanup Branch

U.S. EPA Region 9
75 Hawthorne St. (SFD-7-5)
San Francisco, CA. 94105

Office: (415) 972-3318
Fax: (415) 947-3520
Email: dutta.abhik@epa.gov

From: Campbell Irving <cairving@coca-cola.com>
To: Abhik Dutta/R9/USEPA/US@EPA,
Date: 02/06/2013 06:45 AM
Subject: Extension Confirmation

Mr. Dutta –

My e-mail has been a little off lately, so I wanted to make sure you received my confirmation concerning the extension of Coca-Cola's 104(e) Request for Information on the Yosemite Creek Superfund Site:

This is just to confirm that you have authorized an extension through the end of February, 2013, to The Coca-Cola Company to respond to the 104(e) Request for Information on the Yosemite Creek Superfund Site. At which date, Feb. 28, if more time is needed, we are to submit the information we do have in response to the questionnaire with a request to supplement, in which case there is a possibility that a limited extension will be granted.

If I missed anything, please feel free to let me know.

Thank you

G. Campbell Irving
Staff Attorney, Corporate Global Marketing & Environmental Law
The Coca-Cola Company
P: 404-515-8009
C: 404-548-2773

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Tennis, Rachel

From: Campbell Irving <cairving@coca-cola.com>
Sent: Wednesday, February 06, 2013 6:30 AM
To: DUTTA, ABHIK
Subject: Extension Confirmation

Mr. Dutta –

My e-mail has been a little off lately, so I wanted to make sure you received my confirmation concerning the extension of Coca-Cola's 104(e) Request for Information on the Yosemite Creek Superfund Site:

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G. Campbell Irving
Staff Attorney, Corporate Global Marketing & Environmental Law
The Coca-Cola Company
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Tennis, Rachel

From: Elaine O'Neil <Elaine.O'Neil@sfgov.org>
Sent: Tuesday, February 05, 2013 3:08 PM
To: COX, ELIZABETH
Cc: Cmplxlit Inbox;Cooper, Craig;DUTTA, ABHIK;Fong, yfong
Subject: Re: Response to your January 3, 2013 email -- Yosemite Creek

Thanne,

I've been in touch with Bruce Seale via email. He is presently out of the country on vacation. He says he does not have contact information for the two prior inspectors. Can you send me their names? If so, I will try to find out whether we can locate them.

Elaine M. O'Neil
Deputy City Attorney
City and County of San Francisco
1390 Market Street, 7th Floor
San Francisco, CA 94102
Tel: 415-554-3881
Fax: 415-554-3985
Email: elaine.o'neil@sfgov.org

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From: Cox.Elizabeth@epamail.epa.gov
To: Elaine O'Neil <Elaine.O'Neil@sfgov.org>,
Cc: Dutta.Abhik@epamail.epa.gov, Cmplxlit Inbox <Cmplxlit.Inbox@sfgov.org>, Cooper.Craig@epamail.epa.gov, Fong.YvonneW@epa.gov
Date: 01/23/2013 04:12 PM
Subject: Re: Response to your January 3, 2013 email -- Yosemite Creek

Elaine:

Thank you for this information. In regards to the Gonzalez facility, the city Environmental Compliance staff have been inspecting the facility from 1979 to 2004. Abhik was able to locate the city inspector from 1984 to 2004, Bruce Seale. Mr. Seale, a current employee of the City, has been helpful in describing the general housekeeping aspects of the facility but the sampling performed did not test for metals or PCBs. Mr. Seale stated that there were two inspectors for the facility prior to him who have since retired. Mr. Seale did not provide a name or contact information. Based on the information provided by you, we have reason to believe that these individuals could provide important information as part of our investigation. Is there anyway that the City could provide these individuals' name and last known contact information?

Thank you,

Thanne Cox
Attorney Advisor
US Environmental Protection Agency Region 9

Mail Code ORC-3
75 Hawthorne Street
San Francisco, California 94105-3901
(415) 972-3908
(415) 203-6104 (cell)
cox.elizabeth@epa.gov

From: Elaine O'Neil <Elaine.O'Neil@sfgov.org>
To: Elizabeth Cox/R9/USEPA/US@EPA,
Cc: Abhik Dutta/R9/USEPA/US@EPA, Craig Cooper/R9/USEPA/US@EPA, YvonneW Fong/R9/USEPA/US@EPA, Cmplxlit Inbox <Cmplxlit.Inbox@sfgov.org>
Date: 01/08/2013 01:54 PM
Subject: Response to your January 3, 2013 email -- Yosemite Creek

Thanne,

This responds to your January 3, 2013 email providing the City with a list of parties for which EPA asked the City to search its Industrial Waste Program historical records. My client reports that only three of the listed entities were regulated under the City's Pretreatment Program: Coca-Cola USA, Die and Tool Products, and Gonzalez Bucket & Drum Co.

SFPUC has gathered its records for these dischargers and made them available for download via the following links. Please let me know if you have any further questions.

- [Coca Cola 1971-1992 Historical Records](#)
- [Die & Tool Products Inc 1995-2006 Historical Records](#)
- [Gonzalez Steel Drum Mfg Inc 1979-2005 Historical Records](#)

Elaine M. O'Neil
Deputy City Attorney
City and County of San Francisco
1390 Market Street, 7th Floor
San Francisco, CA 94102
Tel: 415-554-3881
Fax: 415-554-3985
Email: elaine.o'neil@sfgov.org

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Tennis, Rachel

From: Campbell Irving <cairving@coca-cola.com>
Sent: Monday, February 04, 2013 11:27 AM
To: DUTTA, ABHIK
Subject: Extension confirmation

Mr. Dutta –

This is just to confirm that you have authorized an extension through the end of February, 2013, to The Coca-Cola Company to respond to the 104(e) questionnaire on the Yosemite Creek Superfund Site. At which date, Feb. 28, if more time is needed, we are to submit the information we do have in response to the questionnaire with a request of a further extension, in which case there is a possibility that a limited extension will be granted.

If I missed anything, please feel free to let me know.

Thank you,

G. Campbell Irving
Staff Attorney, Corporate Global Marketing & Environmental Law
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P: 404-515-8009
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Tennis, Rachel

From: Charles Miller <charles.miller@macys.com>
Sent: Monday, February 04, 2013 10:17 AM
To: COX, ELIZABETH
Cc: Elena C Pfarr; Jeannette P Maxey; Kyong I Jang; Wendy Schmidt; DUTTA, ABHIK
Subject: Re: Yosemite Creek Superfund Site

Thank you

On Feb 4, 2013, at 12:12 PM, Cox.Elizabeth@epamail.epa.gov wrote:

Dear Mr. Miller

As discussed in the information request sent to Macy's Inc., EPA is doing an investigation related to the Yosemite Slough Site located in San Francisco. The slough is contaminated with PCBs, lead, and other heavy metals. As part of this investigation, EPA is trying to determine where the contamination could have originated. While reviewing historical documents at the California Department of Toxic Substances Control's office, we located copies of manifests associated with your company which indicate a waste stream similar to the wastes located at the slough. The facility address was 200 Paul Ave., San Francisco, CA, a location in the general vicinity of the slough.

Many parties have received information requests in regard to this investigation. We appreciate your cooperation in responding to the request. According to our records, your response is due on Feb. 9th. Based upon a message you left me Friday, you anticipate that you will not be able to respond to the request within the 30 days. EPA is willing to grant a partial extension. Please submit what you have been able to locate by the 9th and supplement that response by the end of the month.

If you have further questions, you can contact me at this email address or at the phone number below.

Thank you,

Thanne Cox
Attorney Advisor
US Environmental Protection Agency Region 9
Mail Code ORC-3
75 Hawthorne Street
San Francisco, California 94105-3901
(415) 972-3908
(415) 203-6104 (cell)
cox.elizabeth@epa.gov

From: Charles Miller <charles.miller@macys.com>
To: Elizabeth Cox/R9/USEPA/US@EPA,
Cc: Jeannette P Maxey <jeannette.maxey@macys.com>, Wendy Schmidt <Wendy.Schmidt@macys.com>, Kyong I Jang <kyong.jang@macys.com>, Elena C Pfarr <elena.pfarr@macys.com>
Date: 01/23/2013 06:13 PM
Subject: Yosemite Creek Superfund Site

Dear Ms. Cox,

I'm writing to follow up on the voice mail message I left for you today. The 104(e) request dated January 9 and addressed to our Chief Executive Officer has been assigned to me to coordinate our response. The sources we are reviewing to prepare a response are not centralized, and we may not be able to provide a response before the due date of February 9. If we need additional time to respond I will let you know.

If EPA is aware of any information connecting Macy's specifically to the Site, or involving the property identified as 200 Paul Ave, San Francisco, CA, 94124, would it be possible for you to share it with me, or indicate how we could review it?

Thank you for your cooperation and assistance.

Sincerely,
Chuck Miller

Charles R. Miller | Vice President, Legislative & Legal Affairs

Macy's, 611 Olive Street, St. Louis, MO 63101

☎: 314-342-6459 (Tie Line 8-170-660-6459) | ☎: Cell: 314-750-4665 | ☎: 314-342-6384 | ✉: charles.miller@macys.com

Tennis, Rachel

From: Charles Miller <charles.miller@macys.com>
Sent: Friday, February 01, 2013 5:02 PM
To: Charles Miller
Cc: DUTTA, ABHIK;Kyong I Jang;Elena C Pfarr
Subject: Re: Yosemite Creek Superfund Site

Hello Ms. Cox,

I'm writing to follow up on the voice mail I left earlier today on 415-972-3908. We cannot confirm which day is 30 days from our receipt of the letter but it doesn't really matter as we do intend to comply with the request voluntarily. We've been working diligently to prepare our response, and currently it appears that we will be able to comply before the end of this month. In the meantime, if you are able to respond to our request for information about why we were included in the request I would be most grateful.

Thanks for your cooperation and assistance. Please contact me if you have any concerns about our request or our intentions. Chuck Miller

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From: Charles Miller/MCS/MACYS
To: Cox.Elizabeth@epamail.epa.gov,
Cc: Dutta.Abhik@epamail.epa.gov
Date: 01/25/2013 04:19 PM
Subject: Re: Yosemite Creek Superfund Site

Thank you, and thanks for returning my call. I look forward to hearing from you next week. Have a great weekend. Chuck Miller

Charles R. Miller | Vice President, Legislative & Legal Affairs

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From: Cox.Elizabeth@epamail.epa.gov
To: Charles Miller <charles.miller@macys.com>,
Cc: Elena C Pfarr <elena.pfarr@macys.com>, Jeannette P Maxey <jeannette.maxey@macys.com>, Kyong I Jang <kyong.jang@macys.com>, Wendy Schmidt <Wendy.Schmidt@macys.com>, Dutta.Abhik@epamail.epa.gov
Date: 01/25/2013 01:56 PM
Subject: Re: Yosemite Creek Superfund Site

Mr. Miller:

I understand your interest in wanting to understand why Macy's is getting this information request. I will discuss this with our civil investigator in the case, Abhik Dutta, and get back to you early next week.

Thank you,

Thanne Cox
Attorney Advisor
US Environmental Protection Agency Region 9
Mail Code ORC-3
75 Hawthorne Street
San Francisco, California 94105-3901
(415) 972-3908
(415) 203-6104 (cell)
cox.elizabeth@epa.gov

From: Charles Miller <charles.miller@macys.com>
To: Elizabeth Cox/R9/USEPA/US@EPA,
Cc: Jeannette P Maxey <jeannette.maxey@macys.com>, Wendy Schmidt <Wendy.Schmidt@macys.com>, Kyong I Jang <kyong.jang@macys.com>, Elena C Pfarr <elena.pfarr@macys.com>
Date: 01/23/2013 06:13 PM
Subject: Yosemite Creek Superfund Site

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Tennis, Rachel

From: Jim Cantrell <jimcha@pacbell.net>
Sent: Tuesday, January 29, 2013 7:34 AM
To: DUTTA, ABHIK
Cc: Francisco; amy@cantrellharris.com
Subject: Fw: 1300 Fitzgerald
Attachments: 1318 DRAFT Fitzgerald Ave Subsurface Investigation 09-28-12.pdf

Mr. Dutta

Please find attached the draft of the phase II report.
Jim

CANTRELL, HARRIS & ASSOCIATES

Improving the properties we manage.

*2001 Union Street, Suite 106
San Francisco , CA 94123
(415) 956-6000*

----- Forwarded Message -----

From: John Carver <jcarver@earthlink.net>
To: 'Jim Cantrell' <jimcha@pacbell.net>
Sent: Tuesday, September 25, 2012 2:09 PM
Subject: RE: 1300 Fitzgerald

Hi Jim please acknowledge receipt of the attached Invoice and draft subsurface investigation report.

Pretty much as you and I discussed yesterday.

Look it over and we can talk or email.

Let me know.

John

jcarver@earthlink.net
415 235 4648

Tennis, Rachel

From: Jim Cantrell <jimcha@pacbell.net>
Sent: Tuesday, January 29, 2013 7:23 AM
To: DUTTA, ABHIK;fgutierrez@mhalllaw.com
Cc: amy@cantrellharris.com;Ronald A. Harris
Subject: Re: Gonzalez/Picazo property - 1324 Fitzgerald

Mr. Dutta

It is my understanding that John did get into and go through the property. I am teaching in St Louis and will send it to you shortly. I thought you had been sent everything.

Jim

CANTRELL, HARRIS & ASSOCIATES

Improving the properties we manage.

2001 Union Street, Suite 106

San Francisco , CA 94123

(415) 956-6000

From: "Dutta.Abhik@epamail.epa.gov" <Dutta.Abhik@epamail.epa.gov>
To: fgutierrez@mhalllaw.com; jimcha@pacbell.net
Sent: Monday, January 28, 2013 10:53 AM
Subject: Gonzalez/Picazo property - 1324 Fitzgerald

Hello Francisco and Jim,

I received the Phase I for the property and spoke with John Carver, the consultant that conducted the inspection. He informed me there was a subsequent report he developed. At your earliest convenience, please send me that report.

If possible, I would like to take a look inside the property. John informed me he wasn't allowed access into the property during his inspection. Please let me know at your earliest convenience if it is possible for me to visit the property.

Thanks,

Abhik Dutta
Civil Investigator
Superfund Site Cleanup Branch

U.S. EPA Region 9
75 Hawthorne St. (SFD-7-5)
San Francisco, CA. 94105

Office: (415) 972-3318
Fax: (415) 947-3520
Email: dutta.abhik@epa.gov

Tennis, Rachel

From: Clare McCabe <clare@sfrents.com>
Sent: Friday, January 25, 2013 2:28 PM
To: DUTTA, ABHIK
Subject: Fwd: Attached Image
Attachments: 0436_001.pdf

Dear Mr. Dutta

Our tenants, LeeG & Company, received the attached letter regarding their operations at our building. Please note that they do not own this building, they lease a small 80 sq ft office from us. They do not store anything here, or carry out any work on the premises, it is solely office use. Please advise if they need to complete the questionnaire or if it should be disregarded.

Best Regards

Clare McCabe

1485 Bayshore Blvd. # 101

San Francisco, CA 94124

P. 415-330-3500 x 128

F. 415-467-0991

clare@sfrents.com

Tennis, Rachel

From: Charles Miller <charles.miller@macys.com>
Sent: Friday, January 25, 2013 2:20 PM
To: COX, ELIZABETH
Cc: DUTTA, ABHIK
Subject: Re: Yosemite Creek Superfund Site

Thank you, and thanks for returning my call. I look forward to hearing from you next week. Have a great weekend. Chuck Miller

Charles R. Miller | Vice President, Legislative & Legal Affairs

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Date: 01/25/2013 01:56 PM
Subject: Re: Yosemite Creek Superfund Site

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Thank you,

Thanne Cox
Attorney Advisor
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Tennis, Rachel

From: Francisco A. Gutierrez <fgutierrez@mhalllaw.com>
Sent: Friday, January 25, 2013 2:15 PM
To: DUTTA, ABHIK
Subject: Gonzalez/Picazo property - 1324 Fitzgerald

Hi Abhik,

I'm following up on my voice message from today.

I sent you the Phase I report for the property last week via email. Let me know if you did not receive or are unable to open the file.

In addition, my client confirmed that she does not have contact information for Gustavo Gonzalez – there was a falling out with this relative and the family has lost contact with him. My client is continuing to look for names of businesses and companies that sent 50-gallon drums to Gonzalez Bucket and Drum.

Finally, I hereby request copies of all records produced by North State Environmental, 220 South Spruce Avenue, South San Francisco, in response to the letter dated January 24, 2013, from your agency.

You can reach me at 415-512-9865 if you have any questions.

Regards,

Francisco A. Gutierrez
M. C. Hall & Associates, P.C.
Attorneys and Counselors at Law
605 Market Street, Suite 900
San Francisco, CA 94105
Tel.: (415) 512-9865
Fax: (415) 495-7204

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